

FORTY-SECOND DAY.

(Monday, March 11, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Minor, Speaker Pro Tem.

The roll was called and the following members were present:

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| Acker. | Kemble. |
| Ackerman. | Kennedy. |
| Adkins. | Kenyon. |
| Albritton. | King. |
| Baker. | Kinnear. |
| Barnett. | Lee. |
| Bateman. | Lemens. |
| Beck. | Long of Houston. |
| Bond. | Long of Wichita. |
| Bounds. | Loy. |
| Bradley. | Mankin. |
| Brice. | Mauritz. |
| Brooks. | Maynard. |
| Carpenter. | McCombs. |
| Chastain. | McDonald. |
| Coltrin. | McGill. |
| Conway. | McKean. |
| Cox of Navarro. | Mehl. |
| Cox of Lamar. | Metcalfe. |
| Cox of Limestone. | Minor. |
| Davis. | Montgomery. |
| DeWolfe. | Moore. |
| Dunlap. | Morse. |
| Duvall. | Mosely. |
| Enderby. | Mullally. |
| Ewing. | Murphy. |
| Eickenroht. | Negley. |
| Finn. | Nicholson. |
| Forbes. | Olsen. |
| Fuchs. | O'Neill. |
| Gerron. | Palmer. |
| Gilbert. | Patterson. |
| Giles. | Pavlica. |
| Graves | Petsch. |
| of Williamson. | Pool. |
| Graves of Erath. | Pope of Jones. |
| Hardy. | Pope of Nueces. |
| Harding. | Prendergast. |
| Harman. | Purl. |
| Harper. | Quinn. |
| Heaton. | Reader. |
| Hefley. | Reid. |
| Hines. | Renfro. |
| Hogg. | Rogers. |
| Holder. | Rountree. |
| Hopkins. | Sanders. |
| Hornaday. | Savage. |
| Hubbard. | Shaver. |
| Jenkins. | Shelton. |
| Johnson | Sherrill. |
| of Dimmit. | Simmons. |
| Johnson of Smith. | Sinks. |
| Johnson of Scurry. | Speck. |
| Justiss. | Stephens. |
| Keeton. | Stevenson. |
| Keller. | Storey. |

Strong.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Waddell.
Wallace.
Walters.

Warwick.
Webb.
Westbrook.
Wiggs.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.
Young.

Absent.

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|-----------|------------|
| Anderson. | Kincaid. |
| Baldwin. | Martin. |
| Finlay. | Shipman. |
| Gates. | Smith. |
| Jones. | Snelgrove. |
| Kayton. | |

Absent—Excused.

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| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Richardson for today, on motion of Mr. Bateman.

Mr. White for today, on motion of Mr. Storey.

Mr. Harrison for today and tomorrow, on motion of Mr. McGill.

The following members were granted leaves of absence on account of illness:

Mr. Williams of Hardin for today and the balance of the week, on motion of Mr. Quinn.

Mr. Ray for today, on motion of Mr. Olsen.

SENATE BILL NO. 314 ON PASSAGE TO THIRD READING.

The Speaker laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 314, A bill to be entitled "An Act to provide for the location, establishment and maintenance of an institution for the treatment of persons suffering from cancer or pellagra, and to provide for the care and treatment of indigent persons suffering from cancer or pellagra; and defining the con-

ditions of admission thereto; and provide for the scientific study of cancer and pellagra; and creating a commission to establish and control said institution, and defining the duties of certain officers in respect to said institution; and make appropriation therefor, and declaring an emergency."

The bill having been read second time on last Saturday.

Mr. Young offered the following amendment to the bill:

Amend Senate bill No. 314 by adding at the end of Section 3, page 2, the following: "In the selection of a place for the establishment of this hospital, all other things being equal, it shall be located at, or near, a city that has a State institution of a kindred nature, or a city in which there is a medical school of recognized standing."

The amendment was adopted.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend Senate bill No. 314 by adding after the word "salary" in each line, 27 and 33, page 6, the following: "To be fixed by the Legislature not to exceed the sum."

The amendment was adopted.

Senate bill No. 314 was then passed to third reading.

SENATE BILL NO. 314 ON THIRD READING.

Mr. Hubbard moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 314 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

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|-------------------|------------------|
| Acker. | DeWolfe. |
| Ackerman. | Dunlap. |
| Adkins. | Duvall. |
| Albritton. | Ewing. |
| Baker. | Finn. |
| Barnett. | Forbes. |
| Bateman. | Gerron. |
| Beck. | Gilbert. |
| Bond. | Giles. |
| Bounds. | Graves |
| Brooks. | of Williamson. |
| Carpenter. | Graves of Erath. |
| Chastain. | Hardy. |
| Coltrin. | Harding. |
| Conway. | Harper. |
| Cox of Navarro. | Hefley. |
| Cox of Lamar. | Hines. |
| Cox of Limestone. | Hogg. |
| Davis. | Holder. |

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| Hubbard. | Prendergast. |
| Johnson of Smith. | Purl. |
| Johnson | Quinn. |
| of Dimmit. | Reader. |
| Johnson of Scurry. | Rogers. |
| Justiss. | Rountree. |
| Kemble. | Sanders. |
| Kenyon. | Savage. |
| Kinnear. | Shaver. |
| Lee. | Shelton. |
| Lemens. | Sherrill. |
| Long of Houston. | Simmons. |
| Loy. | Speck. |
| Mankin. | Stevenson. |
| Mauritz. | Storey. |
| Maynard. | Strong. |
| McCombs. | Tarwater. |
| McDonald. | Thompson. |
| McGill. | Thurmond. |
| McKean. | Tillotson. |
| Mehl. | Turner. |
| Metcalf. | Van Zandt. |
| Montgomery. | Veatch. |
| Moore. | Waddell. |
| Morse. | Wallace. |
| Mosely. | Walters. |
| Mullally. | Warwick. |
| Negley. | Webb. |
| Nicholson. | Westbrook. |
| Olsen. | Wiggs. |
| Palmer. | Williams |
| Patterson. | of Sabine. |
| Pavlica. | Williams |
| Petsch. | of Travis. |
| Pope of Jones. | Woodruff. |
| Pope of Nueces. | Young. |

Nays—6.

| | |
|-------------|------------------|
| Brice. | Long of Wichita. |
| Eickenroht. | Renfro. |
| Kennedy. | Stephens. |

Absent.

| | |
|-----------|------------|
| Anderson. | Keeton. |
| Baldwin. | Keller. |
| Bradley. | Kincaid. |
| Enderby. | King. |
| Finlay. | Martin. |
| Fuchs. | Murphy. |
| Gates. | O'Neill. |
| Harman. | Pool. |
| Heaton. | Reid. |
| Hopkins. | Shipman. |
| Hornaday. | Sinks. |
| Jenkins. | Smith. |
| Jones. | Snelgrove. |
| Kayton. | Woodall. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid Senate bill No. 314 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—106.

| | |
|--------------------|---------------------|
| Acker. | McCombs. |
| Ackerman. | McDonald. |
| Adkins. | McGill. |
| Albritton. | McKean. |
| Baker. | Mehl. |
| Barnett. | Metcalfe. |
| Bateman. | Montgomery. |
| Beck. | Moore. |
| Bond. | Morse. |
| Bounds. | Mosely. |
| Bradley. | Mullally. |
| Brooks. | Murphy. |
| Carpenter. | Negley. |
| Chastain. | Nicholson. |
| Coltrin. | Olsen. |
| Conway. | Palmer. |
| Cox of Navarro. | Patterson. |
| Cox of Lamar. | Pavlica. |
| Cox of Limestone. | Petsch. |
| DeWolfe. | Pope of Jones. |
| Dunlap. | Pope of Nueces. |
| Duvall. | Prendergast. |
| Ewing. | Purl. |
| Finn. | Quinn. |
| Forbes. | Reader. |
| Gerron. | Reid. |
| Gilbert. | Rogers. |
| Graves | Rountree. |
| of Williamson. | Sanders. |
| Graves of Erath. | Savage. |
| Hardy. | Shelton. |
| Harding. | Simmons. |
| Harper. | Sinks. |
| Hefley. | Speck. |
| Hines. | Stevenson. |
| Hogg. | Storey. |
| Holder. | Strong. |
| Hubbard. | Tarwater. |
| Johnson | Thompson. |
| of Dimmit. | Thurmond. |
| Johnson of Smith. | Tillotson. |
| Johnson of Scurry. | Van Zandt. |
| Justiss. | Veatch. |
| Keeton. | Waddell. |
| Kemble. | Wallace. |
| Kennedy. | Walters. |
| Kenyon. | Warwick. |
| Kinnear. | Webb. |
| Lee. | Wiggs. |
| Lemens. | Williams of Sabine. |
| Long of Houston. | Williams of Travis. |
| Loy. | Woodall. |
| Mankin. | Woodruff. |
| Mauritz. | Young. |
| Maynard. | |

Nays—6.

| | |
|-------------|------------------|
| Brice. | Long of Wichita. |
| Eickenroht. | Renfro. |
| Jenkins. | Stephens. |

Absent.

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|-----------|------------|
| Anderson. | Keller. |
| Baldwin. | Kincaid. |
| Davis. | King. |
| Enderby. | Martin. |
| Finlay. | O'Neill. |
| Fuchs. | Pool. |
| Gates. | Shaver. |
| Giles. | Sherrill. |
| Harman. | Shipman. |
| Heaton. | Smith. |
| Hopkins. | Snelgrove. |
| Hornaday. | Turner. |
| Jones. | Westbrook. |
| Kayton. | |

Absent—Excused.

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|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

Mr. Purl moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 314 ON SECOND READING.

On motion of Mr. Rogers, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 314, A bill to be entitled "An Act adding Article 3202a, changing the name of the Deaf and Dumb Asylum to Texas School for the Deaf, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Conway offered the following (committee) amendment to the bill:

Amend the bill by striking out all above and below the enacting clause and inserting in lieu thereof the following:

H. B. No. 314, A bill to be entitled "An Act changing the names of certain State eleemosynary institutions and State institutions named and described in this act; providing for the control of such institutions by the State Board of Control; providing for the appointment of superintendents of said institutions, their terms and powers; providing for the manner of their compensation; repealing all laws in conflict herewith; providing that all laws applicable to the institutions under names by which they are now known shall be applicable to the institutions under the names herein indicated, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the taking effect of this act, the names of the following State eleemosynary institutions and other State institutions named in this act shall be changed as herein expressed and provided.

(a) The East Texas Hospital for Insane, which is located at Rusk, in Cherokee County, Texas, shall hereafter be known as the Rusk State Hospital; and it is hereby so named.

(b) The Northwest Texas Insane Asylum, which is located at Wichita Falls, in Wichita County, Texas, shall hereafter be known as the Wichita Falls State Hospital; and it is hereby so named.

(c) The North Texas Hospital for the Insane, which is located at Terrell, in Kaufman County, Texas, shall hereafter be known as the Terrell State Hospital; and it is hereby so named.

(d) The Southwestern Insane Asylum, which is located at San Antonio, in Bexar County, Texas, shall hereafter be known as the San Antonio State Hospital; and it is hereby so named.

(e) The State Lunatic Asylum, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Austin State Hospital; and it is hereby so named.

(f) The State Colony for Feeble Minded, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Austin State School; and it is hereby so named.

(g) The State Epileptic Colony, which is located at Abilene, in Taylor County, Texas, shall hereafter be known as the Abilene State Hospital; and it is hereby so named.

(h) The State Orphans Home, which is located at Corsicana, in Navarro County, Texas, shall hereafter be known as the Corsicana State Home; and it is hereby so named.

(i) The Deaf, Dumb and Blind Asylum for Colored Youths, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Texas Home for Deaf and Blind Colored Youths; and it is hereby so named.

(j) The State Home for Dependent and Neglected Children, which is located at Waco, in McLennan County, Texas, shall hereafter be known as the Waco State Home; and it is hereby so named.

(k) The Confederate Home for Confederate Soldiers and Sailors, which is located at Austin, in Travis County, Texas, shall hereafter be known as the

Texas Confederate Home; and it is hereby so named.

(l) The Confederate Woman's Home for wives and widows of Confederate soldiers and sailors, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Texas Confederate Woman's Home; and it is hereby so named.

(m) The State Tuberculosis Sanatorium, which is located at Sanatorium, in Tom Green County, Texas, shall hereafter be known as the Texas Tuberculosis Sanatorium; and it is hereby so named.

(n) The State Hospital for Crippled and Deformed Children, which is located at Galveston, in Galveston County, Texas, shall hereafter be known as the Texas Hospital for Crippled Children; and it is hereby so named.

(o) The State Juvenile Training School, which is located at Gatesville, in Coryell County, Texas, shall hereafter be known as the Texas Training School for Boys; and it is hereby so named.

(p) The Girls' Training School, which is located at Gainesville, in Cooke County, Texas, shall hereafter be known as the Texas Training School for Girls; and it is hereby so named.

(q) The Deaf and Dumb Asylum, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Texas School for the Deaf; and it is hereby so named.

(r) The Blind Asylum, which is located at Austin, in Travis County, Texas, shall hereafter be known as the Texas School for the Blind; and it is hereby so named.

Sec. 2. Each of said institutions named in this act shall be under the supervision and control of the State Board of Control, which said board shall formulate a general policy for regulation of said institutions in accordance with the general laws of Texas; said board is hereby authorized to appoint a superintendent for each of the institutions, which appointment shall be made before March 1 of the year in which previous appointment expires and shall be for a term of six years, subject to removal for cause; and the said superintendent of each of the said institutions shall be persons of practical business experience and ability, and shall possess special advantages and experience in the management of the particular class of children, inmates or patients committed to his charge; and the said superintendent of each of said institutions shall be the administrative head of the institution to which he is appointed and exer-

cise powers and duties as such and shall have full authority to select and discharge all subordinate officers and employes; each of said superintendents shall have authority to establish such rules and regulations for the government of the institution in his charge as he deems will best promote the interest and welfare of its inmates; to have the care and custody of the buildings, grounds, furniture and all other property pertaining to the institution under his charge. Each of said superintendents shall receive such salary as may be provided by the Legislature.

Sec. 3. All laws or parts of laws concerning these institutions in conflict herewith are specifically repealed. All other laws or parts of laws heretofore or hereafter enacted, not repealed by the provisions of this act, that are applicable to these State institutions, under the names by which they are now known, shall be likewise applicable to the said institutions under the new name herein authorized and declared.

Sec. 4. The fact that appropriations will soon be made by the State for the support of these State institutions for the succeeding biennium constitutes an emergency and an imperative public necessity that the new names of the said institutions become effective without further delay, requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage; and said rule is suspended, and it is so enacted.

(Mr. Kemble in the chair.)

Mr. Conway offered the following amendment to the amendment:

Amend committee substitute to House bill No. 314 by striking out March 1st in line 10, page 3, and insert in lieu thereof the words "April 1st."

The amendment was adopted.

Mr. Purl offered the following amendment to the amendment:

Amend committee substitute to House bill No. 314 by striking out the words "six years" in line 11, page 3, and insert in lieu thereof the following: "four years, subject to confirmation by the Senate of Texas."

Signed—Purl, Pope of Nueces.

The amendment was adopted.

The (committee) amendment as amended was then adopted.

House bill No. 314 was then passed to engrossment.

HOUSE BILL NO. 314 ON THIRD READING.

Mr. Conway moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 314 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

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|--------------------|------------------|
| Acker. | Lee. |
| Ackerman. | Lemens. |
| Adkins. | Long of Houston. |
| Albritton. | Long of Wichita. |
| Baker. | Mankin. |
| Barnett. | McCombs. |
| Bateman. | McDonald. |
| Bond. | McGill. |
| Bounds. | Minor. |
| Bradley. | Moore. |
| Brice. | Morse. |
| Brooks. | Mosely. |
| Carpenter. | Mullally. |
| Chastain. | Murphy. |
| Coltrin. | Negley. |
| Conway. | Nicholson. |
| Cox of Navarro. | Olsen. |
| Cox of Lamar. | O'Neill. |
| Cox of Limestone. | Palmer. |
| Davis. | Patterson. |
| Dunlap. | Pavlica. |
| Duvall. | Pool. |
| Enderby. | Pope of Jones. |
| Ewing. | Pope of Nueces. |
| Eickenroht. | Prendergast. |
| Finn. | Purl. |
| Forbes. | Quinn. |
| Gerron. | Reid. |
| Gilbert. | Rogers. |
| Giles. | Rountree. |
| Graves | Sanders. |
| of Williamson. | Savage. |
| Graves of Erath. | Shaver. |
| Hardy. | Shelton. |
| Harman. | Sherrill. |
| Harper. | Simmons. |
| Heaton. | Speck. |
| Hefley. | Stevenson. |
| Hines. | Storey. |
| Holder. | Strong. |
| Hopkins. | Tarwater. |
| Hornaday. | Thurmond. |
| Jenkins. | Turner. |
| Johnson | Van Zandt. |
| of Dimmit. | Veatch. |
| Johnson of Smith. | Waddell. |
| Johnson of Scurry. | Wallace. |
| Justiss. | Walters. |
| Keeton. | Warwick. |
| Keller. | Webb. |
| Kemble. | Westbrook. |
| Kennedy. | Williams |
| Kenyon. | of Sabine. |
| Kinnear. | |

Williams
of Travis.

Woodall.
Woodruff.

Nays—1.

Sinks.

Absent.

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| Anderson. | Maynard. |
| Baldwin. | McKean. |
| Beck. | Mehl. |
| DeWolfe. | Metcalf. |
| Finlay. | Montgomery. |
| Fuchs. | Petsch. |
| Gates. | Reader. |
| Harding. | Renfro. |
| Hogg. | Shipman. |
| Hubbard. | Smith. |
| Jones. | Snelgrove. |
| Kayton. | Stephens. |
| Kincaid. | Thompson. |
| King. | Tillotson. |
| Loy. | Wiggs. |
| Martin. | Young. |
| Mauritz. | |

Absent—Excused.

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|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid House bill No. 314 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—104.

| | |
|-------------------|--------------------|
| Acker. | Gerron. |
| Ackerman. | Gilbert. |
| Adkins. | Giles. |
| Albritton. | Graves |
| Baker. | of Williamson. |
| Barnett. | Graves of Erath. |
| Bateman. | Hardy. |
| Bond. | Harman. |
| Bounds. | Harper. |
| Bradley. | Heaton. |
| Brice. | Hefley. |
| Brooks. | Hines. |
| Carpenter. | Hogg. |
| Chastain. | Holder. |
| Coltrin. | Hornaday. |
| Conway. | Jenkins. |
| Cox of Navarro. | Johnson |
| Cox of Lamar. | of Dimmit. |
| Cox of Limestone. | Johnson of Smith. |
| Dunlap. | Johnson of Scurry. |
| Duvall. | Justiss. |
| Enderby. | Keeton. |
| Ewing. | Keller. |
| Eickenroht. | Kemble. |
| Finn. | Kennedy. |
| Forbes. | Kenyon. |

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| Kinnear. | Rogers. |
| Lee. | Savage. |
| Lemens. | Shaver. |
| Long of Houston. | Shelton. |
| Long of Wichita. | Sherrill. |
| Mankin. | Simmons. |
| McCombs. | Smith. |
| McDonald. | Speck. |
| McGill. | Stephens. |
| Minor. | Storey. |
| Moore. | Strong. |
| Morse. | Tarwater. |
| Mosely. | Thurmond. |
| Mullally. | Turner. |
| Murphy. | Van Zandt. |
| Negley. | Veatch. |
| Nicholson. | Waddell. |
| Palmer. | Wallace. |
| Patterson. | Walters. |
| Pavlica. | Warwick. |
| Pool. | Webb. |
| Pope of Jones. | Westbrook. |
| Pope of Nueces. | Williams |
| Prendergast. | of Sabine. |
| Purl. | Williams |
| Quinn. | of Travis. |
| Reader. | Woodall. |
| Reid. | Woodruff. |
| Renfro. | |

Absent.

| | |
|-----------|-------------|
| Anderson. | Maynard. |
| Baldwin. | McKean. |
| Beck. | Mehl. |
| Davis. | Metcalf. |
| DeWolfe. | Montgomery. |
| Finlay. | Olsen. |
| Fuchs. | O'Neill. |
| Gates. | Petsch. |
| Harding. | Rountree. |
| Hopkins. | Sanders. |
| Hubbard. | Shipman. |
| Jones. | Sinks. |
| Kayton. | Snelgrove. |
| Kincaid. | Stevenson. |
| King. | Thompson. |
| Loy. | Tillotson. |
| Martin. | Wiggs. |
| Mauritz. | Young. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 676, "An Act to amend Section 25, Chapter 212, House bill

No. 59, Acts of the Fortieth Legislature, Regular Session, 1927, repealing all laws and parts of laws in conflict."

H. B. No. 724, "An Act creating Brownsville Navigation District of Cameron county, Texas, to be governed by the provisions of Section 59, Article 16, of the Constitution, and by Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, relating to navigation districts, except as herein otherwise provided, and defining its boundaries."

BILL ORDERED NOT PRINTED.

On motion of Mr. Johnson of Smith, Senate bill No. 610 was ordered not printed.

SENATE BILL NO. 220 ON SECOND READING.

On motion of Mr. Kennedy, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 220, A bill to be entitled "An Act providing for the regulation of local mutual aid associations paying a death benefit operating an insurance business and paying benefits, where funds are provided by assessments on members. Defining the laws and manners under which such association may operate. Prescribing, providing for and requiring among other things: the territorial limits of such associations and prohibiting the connection of any two associations of the same character; the number of persons who may organize such associations, and the requirements of the articles of association in the formation of such associations; a bond as a prerequisite of the organization of such associations and the amount and conditions of said bond; approval of constitution and by-laws under which such association will operate; the investigation of the organizers of said associations by the Board of Insurance Commissioners after organization; the issuance of certificate of authority to do business in the State by the Board of Insurance Commissioners of Texas; the manner and condition of recovering on said bond and the amount of recovery thereon, and the venue of such action to be in Travis county, Texas, the jurisdiction of the court in which such action may be filed, the by-laws of such associations and the membership of such associations, and for the grouping of the members into groups or classes and

prohibiting such associations from issuing certificates with level premium rates or guaranteed cost or certificates having surrender or loan value features. Defining and prescribing who may be beneficiaries," etc.

The Speaker laid the bill before the House and it was read second time.

Mr. Morse moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Morse the Sergeant-at-Arms was instructed to bring in all absent members in the city who are not ill.

Mr. Minor offered the following (committee) amendments to the bill:

(1)

Amend Senate bill No. 220, Section 5, subdivision 5, by adding thereto the following: "Provided however, that the provisions of this section shall not apply to any local mutual aid association now organized and operating whose total membership shall at no time exceed one thousand members and which shall never charge for annual dues or assessments in excess of \$1.00 each, and whose membership fee shall at no time exceed \$2.50. However, such association thus exempted shall file a bond in the amount of \$1000 with the Board of Insurance Commissioners of Texas."

(2)

Amend Senate bill No. 220, Section 21, page 9, by adding thereto the following: "Provided, however, that the provisions of this section shall not apply to any local mutual aid association now organized and operating whose total membership shall at no time exceed one thousand members and which shall never charge for annual dues or assessments in excess of \$1.00 each, and whose membership fee shall at no time exceed \$2.50. However, such association thus exempted shall be relieved only from the cost incident to such audit."

(3)

Amend Section 24, Senate bill No. 220, by adding the following: "Ex-

cept as herein provided, such associations shall be governed by this law and shall be exempted from all provisions of the insurance laws of this State. No law hereafter enacted shall apply to them unless they be expressly designated therein."

(4)

Amend Senate bill No. 220, page 10, by inserting after the last word in line 13, the words "Chairman of the."

(5)

Amend Senate bill No. 220, Section 11, page 7, by striking out the first sentence and substituting in lieu thereof the following: "The constitution and by-laws of each association shall state the number of members to be admitted in a class or group of the association."

(6)

Amend Senate bill No. 220, Section 17, by striking out the last sentence therefrom and substituting therefor the following: "Before suspending any member from membership it shall be necessary for the association to mail a notice, by first class mail, to the member, which notice shall state the final date of payment. All funds collected that belong to the association shall be deposited within five days in a State or National bank."

The amendments were severally adopted.

Mr. Purl moved the previous question on the passage of the bill to third reading, and the main question was ordered.

Senate bill No. 220 was then passed to third reading.

SENATE BILL NO. 220 ON THIRD READING.

Mr. Minor moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 220 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

| | |
|------------|------------|
| Acker. | Bounds. |
| Adkins. | Bradley. |
| Albritton. | Brice. |
| Baker. | Brooks. |
| Barnett. | Carpenter. |
| Bateman. | Chastain. |
| Beck. | Coltrin. |
| Bond. | Conway. |

| | |
|--------------------|-----------------|
| Cox of Navarro. | Morse. |
| Cox of Lamar. | Mosely. |
| Cox of Limestone. | Mullally. |
| Davis. | Negley. |
| Duvall. | Olsen. |
| Enderby. | O'Neill. |
| Ewing. | Palmer. |
| Eickenroht. | Patterson. |
| Fuchs. | Pavlica. |
| Gilbert. | Petsch. |
| Giles. | Pool. |
| Graves | Pope of Jones. |
| of Williamson. | Pope of Nueces. |
| Hardy. | Prendergast. |
| Harding. | Purl. |
| Harman. | Quinn. |
| Harper. | Reader. |
| Hefley. | Rogers. |
| Hines. | Rountree. |
| Hogg. | Sanders. |
| Holder. | Shaver. |
| Hopkins. | Shelton. |
| Hubbard. | Sherrill. |
| Johnson | Simmons. |
| of Dimmit. | Smith. |
| Johnson of Smith. | Speck. |
| Johnson of Scurry. | Storey. |
| Justiss. | Strong. |
| Keeton. | Tarwater. |
| Kemble. | Thompson. |
| Kennedy. | Thurmond. |
| Kenyon. | Turner. |
| Kinnear. | Van Zandt. |
| Long of Houston. | Veatch. |
| Long of Wichita. | Waddell. |
| Loy. | Wallace. |
| Mauritz. | Walters. |
| Maynard. | Warwick. |
| McCombs. | Westbrook. |
| McDonald. | Wiggs. |
| McKean. | Williams |
| Mehl. | of Sabine. |
| Metcalf. | Williams |
| Minor. | of Travis. |
| Montgomery. | Woodall. |
| Moore. | Young. |

Nays—3.

| | |
|----------|--------|
| Forbes. | Sinks. |
| Jenkins. | |

Present—Not Voting.

| | |
|---------|-----------|
| Gerron. | Stephens. |
|---------|-----------|

Absent.

| | |
|------------------|----------|
| Ackerman. | Jones. |
| Anderson. | Kayton. |
| Baldwin. | Keller. |
| DeWolfe. | Kincaid. |
| Dunlap. | King. |
| Finn. | Lee. |
| Finlay. | Lemens. |
| Gates. | Mankin. |
| Graves of Erath. | Martin. |
| Heaton. | McGill. |
| Hornaday. | Murphy. |

Nicholson.
Reid.
Renfro.
Savage.
Shipman.

Snelgrove.
Stevenson.
Tillotson.
Webb.
Woodruff.

Absent—Excused.

Mr. Speaker.
Avis.
Harrison.
Land.
Ray.

Richardson.
White.
Williams
of Hardin.

The Speaker then laid Senate bill No. 220 before the House on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—105.

| | |
|--------------------|------------------|
| Acker. | Kennedy. |
| Adkins. | Kenyon. |
| Albritton. | Kinnear. |
| Baker. | Long of Houston. |
| Barnett. | Long of Wichita. |
| Bateman. | Loy. |
| Beck. | Mankin. |
| Bond. | Mauritz. |
| Bounds. | Maynard. |
| Bradley. | McCombs. |
| Brooks. | McDonald. |
| Carpenter. | McKean. |
| Chastain. | Mehl. |
| Coltrin. | Minor. |
| Conway. | Montgomery. |
| Cox of Navarro. | Moore. |
| Cox of Lamar. | Morse. |
| Cox of Limestone. | Mosely. |
| Davis. | Mullally. |
| DeWolfe. | Negley. |
| Duvall. | Olsen. |
| Enderby. | O'Neill. |
| Eickenroht. | Patterson. |
| Gerron. | Pavlica. |
| Gilbert. | Petsch. |
| Giles. | Pool. |
| Graves | Pope of Jones. |
| of Williamson. | Pope of Nueces. |
| Hardy. | Prendergast. |
| Harding. | Purl. |
| Harman. | Quinn. |
| Harper. | Reader. |
| Hefley. | Rogers. |
| Hines. | Rountree. |
| Hogg. | Sanders. |
| Holder. | Shaver. |
| Hopkins. | Shelton. |
| Hubbard. | Sherrill. |
| Johnson | Smith. |
| of Dimmit. | Speck. |
| Johnson of Smith. | Stephens. |
| Johnson of Scurry. | Stevenson. |
| Justiss. | Storey. |
| Keeton. | Strong. |
| Keller. | Tarwater. |
| Kemble. | Thompson. |

Thurmond.
Turner.
Van Zandt.
Veatch.
Waddell.
Wallace.
Walters.
Warwick.
Westbrook.

Wiggs.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.
Young.

Nays—10.

Ackerman.
Ewing.
Forbes.
Fuchs.
Graves of Erath.

Jenkins.
Lee.
Palmer.
Simmons.
Sinks.

Present—Not Voting.

Brice.

Absent.

Anderson.
Baldwin.
Dunlap.
Finn.
Finlay.
Gates.
Heaton.
Hornaday.
Jones.
Kayton.
Kincaid.
King.
Lemens.

Martin.
McGill.
Metcalf.
Murphy.
Nicholson.
Reid.
Renfro.
Savage.
Shipman.
Snelgrove.
Tillotson.
Webb.

Absent—Excused.

Mr. Speaker.
Avis.
Harrison.
Land.
Ray.

Richardson.
White.
Williams
of Hardin.

Mr. Minor moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 549 by a vote of 27 yeas, 0 nays.

The Senate has granted the request of the House for the appointment of a free conference committee to adjust the differences on House bill No. 654. The following are appointed as conferees on part of the Senate: Woodward, Westbrook, Witt, Martin, and Cousins.

And has passed:

S. B. No. 514, A bill to be entitled "An Act to amend Article 7482, and Article 7485, as contained in Chapter 1 of Title 128 of the Revised Civil Statutes of Texas; also to amend Article 7960, Chapter 5 of Title 128 of Revised Civil Statutes of Texas for the purpose of fixing compensation of the members of the State Board of Water Engineers and of the Reclamation Engineer of the State of Texas."

S. B. No. 574, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers institutes; prescribing the duties of said supervisor, etc., and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 19, A bill to be entitled "An Act to amend Article 7257 of the Revised Civil Statutes of 1925, so as to provide that tax collectors shall give receipts for taxes paid, providing the form and content of such receipts, and providing that taxes shall be collected in chronological order in which levied and assessed, prohibiting collectors from receiving payment of taxes for any year if taxes remain unpaid for any prior year; and further providing that any receipt for taxes shall be conclusive evidence of full payment of all taxes of all years prior to and including year that receipt shows taxes paid, and declaring an emergency."

S. B. No. 427, A bill to be entitled "An Act establishing an Art Commission for the State of Texas, providing for appointment of the members thereof, prescribing their qualifications, and defining the powers and duties of such commission."

S. B. No. 443, A bill to be entitled "An Act to promote the commercial potato growing industry in Texas, to authorize the Commissioner of Agriculture to fix and promulgate official standards for grading, classifying and inspecting Texas grown potatoes; to co-operate with the United States Depart-

ment of Agriculture in accomplishing the purposes of this act; to enter into agreements with the United States Department of Agriculture with regard to regulating the inspection of potatoes; to make all necessary rules and regulations to enforce the provisions of this act, conforming as nearly as practicable with similar regulations prescribed by the United States Department of Agriculture; to provide for the enforcement of this act by inspectors appointed by the Commissioner of Agriculture and by the commissioners court of the county within which the duties of such inspectors are performed; to provide a method of payment of such inspectors; to provide notice by commissioners courts of counties desiring such inspection to all common carriers receiving shipments of potatoes in ear lots within such counties, of the appointment of such inspectors, and prohibiting such common carriers, after such notice, from receiving or accepting for shipment any Texas grown Irish potatoes not graded and classified by inspectors appointed by the Commissioners of Agriculture; prescribing the duties of inspectors so appointed, and of common carriers in connection therewith; providing for the collection of fees from persons offering such potatoes for shipment and limiting the amount of such fees so collected; providing for the payment of such fees into the county treasury of the county in which such inspection is made; creating a special potato inspection fund from the proceeds of such fees; fixing the duties of the commissioners courts of such counties; making it a misdemeanor to remove inspection placards or to violate any provision of this act, and fixing a penalty therefor; making certificates of inspectors appointed under the provisions of this act prima facie evidence of the true grade, quality and condition of potatoes inspected under the provisions of this act, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

SENATE BILL NO. 344 ON SECOND READING.

On motion of Mr. Giles, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 344, A bill to be entitled "An Act relating to the sale of and defining agricultural seeds and mixed

seeds; requiring the filing of representative samples and statements of quality of seed by seed dealers; prohibiting mixtures of seeds unless so labeled," etc.

The Speaker laid the bill before the House and it was read second time.

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 344 as follows:

Strike out the words "Commissioner of Agriculture" in the caption and substitute therefor the following: "The Board of Directors of A. & M. College," and where the words occur the second time substitute the words "Director of Certified Seeds."

Strike out the words "Commissioner of Agriculture" in Section 2, paragraphs "f" and "g," and substitute the words "Director of Certified Seeds;" also strike out "Commissioner of Agriculture" in Section 4 and substitute therefor "Director of Certified Seeds."

Change the words "Commissioner of Agriculture" where the same occur the first time in Section 5 to the "Board of Directors of A. & M. College" and change the words "Department of Agriculture" in said section to "A. & M. College."

Strike out the words "Commissioner of Agriculture" and the words "Commissioner" where the same occur in Section 6 and substitute therefor the words, "Director of A. & M. College."

Strike out the words "Commissioner of Agriculture" wherever they occur in Sections 8 and 9 and substitute therefor the words "Board of Directors of A. & M. College," and also substitute the same for the words "State Department of Agriculture" where the same occurs in the last sentence of Section 9.

Strike out the words "Commissioner of Agriculture" wherever the same occur in Sections 10, 11, 12, 13, and substitute therefor the words "Director of A. & M. College."

Add the following as Section 18 of the bill: "The Board of Directors of A. & M. College shall select the Director of Certified Seeds and set up the additional machinery necessary to administer this act."

Signed—Petsch, Pope, Purl.

(Mr. Minor in the chair.)

Mr. Giles moved to table the amendment.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before

House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 314, to the Committee on Conservation and Reclamation.

Senate bill No. 19, to the Committee of Revenue and Taxation.

Senate bill No. 427, to the Committee on State Affairs.

Senate bill No. 574, to the Committee on Education.

RECESS.

On motion of Mr. Morse, the House at 12 o'clock m. took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Mr. Minor.

RELATING TO SUSPENSION OF CERTAIN HOUSE RULE.

Mr. Davis offered the following resolution:

H. C. R. No. 38, Relating to suspending certain House rule.

Whereas, After Monday at 12 o'clock no Senate or House bills may be considered on second reading, according to paragraphs 3 and 4 of Section 5, of Rule XIX, Rules of the House of Representatives; and

Whereas, It is necessary to suspend this rule in order to consider important bills on their second reading; therefore, be it

Resolved, That the seventy-two hour rule relating to Senate and House bills be, and the same is hereby, suspended until Wednesday, 12 o'clock noon.

Signed—Davis, Petsch, Wallace.

The resolution was read second time and was adopted by the following vote:

Yeas—84.

| | |
|-----------------|----------------|
| Adkins. | Finn. |
| Albritton. | Forbes. |
| Baker. | Fuchs. |
| Barnett. | Gerron. |
| Bond. | Gilbert. |
| Bounds. | Giles. |
| Bradley. | Graves |
| Brice. | of Williamson. |
| Carpenter. | Hardy. |
| Chastain. | Harding. |
| Coltrin. | Harman. |
| Conway. | Harper. |
| Cox of Navarro. | Hefley. |
| Cox of Lamar. | Hines. |
| Dunlap. | Hogg. |

| | |
|--------------------|-----------------|
| Hopkins. | Pool. |
| Hubbard. | Pope of Jones. |
| Johnson | Pope of Nueces. |
| of Dimmit. | Prendergast. |
| Johnson of Smith. | Purl. |
| Johnson of Scurry. | Quinn. |
| Justiss. | Reid. |
| Keeton. | Rogers. |
| Kemble. | Sanders. |
| Kenyon. | Shaver. |
| Kinnear. | Simmons. |
| Lee. | Smith. |
| Lemens. | Speck. |
| Long of Houston. | Stevenson. |
| Loy. | Storey. |
| Martin. | Strong. |
| McCombs. | Thompson. |
| McDonald. | Thurmond. |
| McGill. | Turner. |
| Mehl. | Waddell. |
| Montgomery. | Walters. |
| Moore. | Warwick. |
| Morse. | Webb. |
| Murphy. | Westbrook. |
| Negley. | Williams |
| O'Neill. | of Sabine. |
| Palmer. | Williams |
| Patterson. | of Travis. |
| Petsch. | Young. |

Nays—26.

| | |
|-------------------|-----------|
| Acker. | Mankin. |
| Ackerman. | Metcalfe. |
| Brooks. | Mosely. |
| Cox of Limestone. | Olsen. |
| DeWolfe. | Pavlica. |
| Enderby. | Renfro. |
| Eickenroht. | Rountree. |
| Holder. | Shelton. |
| Jenkins. | Sherrill. |
| Jones. | Sinks. |
| Kayton. | Tarwater. |
| Kennedy. | Veatch. |
| King. | Woodruff. |
| Long of Wichita. | |

Present—Not Voting.

| | |
|------------|----------|
| Heaton. | Woodall. |
| Van Zandt. | |

Absent.

| | |
|------------------|------------|
| Anderson. | Mauritz. |
| Baldwin. | Maynard. |
| Bat man. | McKean. |
| Beck. | Mullally. |
| Davis. | Nicholson. |
| Duvall. | Reader. |
| Ewing. | Savage. |
| Finlay. | Shipman. |
| Gates. | Snelgrove. |
| Graves of Erath. | Stephens. |
| Hornaday. | Tillotson. |
| Keller. | Wallace. |
| Kincaid. | Wiggs. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 755, "An Act to appropriate the sum of \$200,000, or so much thereof as may be necessary, to supplement the appropriation for rural aid under the provisions of Chapter 36, Acts of the Fortieth Legislature."

H. B. No. 509, "An Act authorizing county auditors in counties containing a population of 35,000 or more, and in which there may exist or in which there may be created any improvement, navigation, road or irrigation district, or any other territory district having for its purpose the expenditure of public funds for improvement purposes, or improvements of any kind, whether derived from the issuance of bonds or through any character of special assessment, to any exercised control over the finances of said district as provided in Chapter 2 of the Revised Civil Statutes of the State of Texas, 1925, amending Article 1667 of the Revised Civil Statutes, 1925."

S. B. No. 602, "An Act adding Article 6899a to Chapter 1 of Title 121 of the Revised Civil Statutes of 1925, relating to marks and brands of live stock, requiring owners of live stock mentioned in said chapter to record same with the county clerk within a certain length of time after this act takes effect; further regulating marks and brands; providing that this act shall apply to Matagorda county only; providing regulations so that after the expiration of a certain length of time only records of marks and brands recorded after this act takes effect shall be considered; enacting other provisions incidental to said purpose, and declaring an emergency."

S. B. No. 582, "An Act to authorize organized counties in this State which were unorganized at the time of taking the next preceding United States census, and which had a population of less than one hundred at the time of said United States census, to refund the legally outstanding warrants and scrip indebtedness of such counties incurred prior to

January 1st, 1929; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom, and declaring an emergency."

S. B. No. 37, "An Act to amend Article 1074, Title 15, Chapter 4, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide also a trial fee in justices' courts in misdemeanor cases, and declaring an emergency."

S. B. No. 573, "An Act to amend Section 4, Chapter 61, Local and Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature, defining the powers of the board of trustees of the Tatt independent school district and the manner in which such taxes as may be necessary for the maintenance of its schools, for the purchase of building sites, erection and repair of buildings, and for paying interest and providing a sinking fund on the bonds for which said district may be liable, shall be assessed and collected, so as to provide that the board of trustees of said district shall have the power to appoint an assessor and collector of taxes for said district and a board of equalization therefor."

S. B. No. 581, "An Act authorizing certain cities and counties to acquire and maintain and operate air ports, limiting the amounts of land which may be acquired or held for such purpose; providing for the necessary funds for such purposes; providing regulations for the operation, maintenance and support of such air ports, enacting all necessary provisions incidental to the general purpose of the act in providing for the acquisition, maintenance and operation of said air port, and declaring an emergency."

S. C. R. No. 24, Memorializing the Congress of the United States.

SENATE BILL NO. 344 ON PASSAGE TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 344, relating to the sale of agricultural seed, on its passage to third reading, with amendment by Mr. Purl and motion by Mr. Giles to table the amendment, pending.

Mr. Giles withdrew the motion to table.

Mr. Chastain moved a call of the House for the purpose of securing and maintaining a quorum until 5 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Question recurring on the amendment by Mr. Purl, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—20.

| | |
|------------------|--------------|
| Bond. | Prendergast. |
| Forbes. | Purl. |
| Hardy. | Shaver. |
| Hogg. | Sinks. |
| Keeton. | Strong. |
| Long of Wichita. | Turner. |
| Loy. | Waddell. |
| McCombs. | Walters. |
| Morse. | Williams |
| Negley. | of Travis. |
| Petsch. | |

Nays—86.

| | |
|-------------------|--------------------|
| Ackerman. | Johnson |
| Adkins. | of Dimmit. |
| Albritton. | Johnson of Scurry. |
| Baker. | Jones. |
| Barnett. | Justiss. |
| Bateman. | Kayton. |
| Bounds. | Kennedy. |
| Brice. | Kenyon. |
| Brooks. | King. |
| Carpenter. | Kinnear. |
| Chastain. | Lee. |
| Coltrin. | Lemens. |
| Conway. | Long of Houston. |
| Cox of Navarro. | Mankin. |
| Cox of Lamar. | Mauritz. |
| Cox of Limestone. | McDonald. |
| Davis. | McGill. |
| Enderby. | Mehl. |
| Ewing. | Moore. |
| Eickenroht. | Mosely. |
| Finn. | Mullally. |
| Fuchs. | Murphy. |
| Gerron. | Nicholson. |
| Gilbert. | Olsen. |
| Giles. | Palmer. |
| Harding. | Pavlica. |
| Harman. | Pool. |
| Harper. | Pope of Jones. |
| Heaton. | Pope of Nueces. |
| Hefley. | Quinn. |
| Hines. | Reader. |
| Holder. | Reid. |
| Hopkins. | Renfro. |
| Hornaday. | Rogers. |
| Hubbard. | Rountree. |
| Jenkins. | Savage. |
| Johnson of Smith. | Shelton. |

| | |
|------------|------------|
| Sherrill. | Warwick. |
| Simmons. | Webb. |
| Smith. | Westbrook. |
| Stevenson. | Williams |
| Storey. | of Sabine. |
| Tarwater. | Woodall. |
| Thompson. | Woodruff. |
| Thurmond. | Young. |
| Veatch. | |

Present—Not Voting.

O'Neill. Speck.

Absent.

| | |
|------------------|-------------|
| Acker. | Kincaid. |
| Anderson. | Martin. |
| Baldwin. | Maynard. |
| Beck. | McKean. |
| Bradley. | Metcalfe. |
| DeWolfe. | Montgomery. |
| Dunlap. | Patterson. |
| Duvall. | Sanders. |
| Finlay. | Shipman. |
| Gates. | Snelgrove. |
| Graves | Stephens. |
| of Williamson. | Tillotson. |
| Graves of Erath. | Van Zandt. |
| Keller. | Wallace. |
| Kemble. | Wiggs. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

Senate bill No. 344 was then passed to third reading.

SENATE BILL NO. 344 ON THIRD READING.

Mr. Giles moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 344 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—103.

| | |
|------------|-------------------|
| Ackerman. | Conway. |
| Adkins. | Cox of Navarro. |
| Albritton. | Cox of Lamar. |
| Baker. | Cox of Limestone. |
| Barnett. | Davis. |
| Bateman. | Dunlap. |
| Bond. | Duvall. |
| Bounds. | Enderby. |
| Bradley. | Ewing. |
| Brice. | Eickenroht. |
| Carpenter. | Finn. |
| Chastain. | Forbes. |
| Coltrin. | Fuchs. |

| | |
|--------------------|-----------------|
| Gerron. | Murphy. |
| Gilbert. | Negley. |
| Giles. | Nicholson. |
| Hardy. | Olsen. |
| Harman. | Palmer. |
| Harper. | Patterson. |
| Heaton. | Pavlica. |
| Hefley. | Petsch. |
| Hines. | Pope of Jones. |
| Hogg. | Pope of Nueces. |
| Holder. | Prendergast. |
| Hopkins. | Quinn. |
| Hornaday. | Reader. |
| Hubbard. | Reid. |
| Jenkins. | Renfro. |
| Johnson | Rogers. |
| of Dimmit. | Rountree. |
| Johnson of Smith. | Sanders. |
| Johnson of Scurry. | Savage. |
| Jones. | Shaver. |
| Justiss. | Shelton. |
| Kayton. | Sherrill. |
| Keeton. | Simmons. |
| Kemble. | Smith. |
| Kennedy. | Speck. |
| Kenyon. | Stevenson. |
| King. | Strong. |
| Kinnear. | Tarwater. |
| Lee. | Thompson. |
| Lemens. | Thurmond. |
| Long of Houston. | Van Zandt. |
| Long of Wichita. | Veatch. |
| Loy. | Waddell. |
| Mankin. | Walters. |
| Mauritz. | Warwick. |
| Maynard. | Webb. |
| McDonald. | Westbrook. |
| McGill. | Williams |
| Mehl. | of Sabine. |
| Moore. | Woodall. |
| Morse. | Woodruff. |
| Mosely. | Young. |
| Mullally. | |

Nays—2.

Brooks. McCombs.

Present—Not Voting.

O'Neill.

Absent.

| | |
|------------------|-------------|
| Acker. | Metcalfe. |
| Anderson. | Montgomery. |
| Baldwin. | Pool. |
| Beck. | Purl. |
| DeWolfe. | Shi man. |
| Finlay. | Sinks. |
| Gates. | Snelgrove. |
| Graves | Stephens. |
| of Williamson. | Storey. |
| Graves of Erath. | Tillotson. |
| Harding. | Turner. |
| Keller. | Wallace. |
| Kincaid. | Wiggs. |
| Martin. | Williams |
| McKean. | of Travis. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid Senate bill No. 344 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

| | |
|--------------------|------------------|
| Ackerman. | Lee. |
| Adkins. | Lemens. |
| Albritton. | Long of Houston. |
| Baker. | Long of Wichita. |
| Barnett. | Loy. |
| Bateman. | Mankin. |
| Bond. | Maynard. |
| Bounds. | McCombs. |
| Bradley. | McDonald. |
| Brice. | McGill. |
| Carpenter. | Mehl. |
| Chastain. | Moore. |
| Coltrin. | Mosely. |
| Conway. | Mullally. |
| Cox of Navarro. | Negley. |
| Cox of Lamar. | Nicholson. |
| Cox of Limestone. | Olsen. |
| Davis. | Palmer. |
| Enderby. | Patterson. |
| Ewing. | Pavlica. |
| Eickenroht. | Petsch. |
| Finn. | Pool. |
| Forbes. | Pope of Jones. |
| Fuchs. | Pope of Nueces. |
| Gerron. | Prendergast. |
| Gilbert. | Purl. |
| Giles. | Quinn. |
| Harman. | Reader. |
| Harper. | Reid. |
| Heaton. | Renfro. |
| Hefley. | Rogers. |
| Hines. | Rountree. |
| Hogg. | Sanders. |
| Holder. | Savage. |
| Hopkins. | Shaver. |
| Hornaday. | Shelton. |
| Hubbard. | Sherrill. |
| Jenkins. | Sinks. |
| Johnson | Smith. |
| of Dimmit. | Speck. |
| Johnson of Smith. | Stevenson. |
| Johnson of Scurry. | Strong. |
| Jones. | Tarwater. |
| Justiss. | Thurmond. |
| Kayton. | Van Zandt. |
| Keeton. | Veatch. |
| Kemble. | Waddell. |
| Kennedy. | Walters. |
| Kenyon. | Warwick. |
| King. | Webb. |
| Kinnear. | Westbrook. |

Williams
of Sabine.
Woodall.

Woodruff.
Young.

Nays—1.

Brooks.

Absent.

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| Acker. | McKean. |
| Anderson. | Metcalfe. |
| Baldwin. | Montgomery. |
| Beck. | Morse. |
| DeWolfe. | Murphy. |
| Dunlap. | O'Neill. |
| Duvall. | Shipman. |
| Finlay. | Simmons. |
| Gates. | Snelgrove. |
| Graves | Stephens. |
| of Williamson. | Storey. |
| Graves of Erath. | Thompson. |
| Hardy. | Tillotson. |
| Harding. | Turner. |
| Keller. | Wallace. |
| Kincaid. | Wiggs. |
| Martin. | Williams |
| Mauritz. | of Travis. |

Absent—Excused.

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| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 82.

Mr. Kemble called up, for consideration at this time, the following conference committee report on Senate bill No. 82:

Committee Room,
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House.

Sirs: The Conference Committee appointed by the President of the Senate and the Conference Committee appointed by the Speaker of the House of Representatives to adjust the differences between the Senate and the House on S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University lands; to provide for resurveying, dividing and marking said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing duties of the Board of Regents of the University of Texas; providing for the execution of

mineral leases on said lands, and repealing all laws in conflict therewith, and declaring an emergency."

Have had said bill under consideration and beg leave to report that we have reached an agreement as to said bill.

The substitute bill, as passed by the House, was taken as the basis for discussion and has been agreed to with changes and additions, and we recommend that the bill hereto attached, being the bill finally agreed to by this committee, be adopted as the act of both houses.

WIRTZ,
HOLBROOK,
WITT,
WOODUL,
MILLER,

On the Part of the Senate.

KEMBLE,
HOGG,
STOREY,
METCALFE,

On the Part of the House.

S. B. No. 82, A bill to be entitled "An Act to provide for the sale of oil and gas in and on University lands; to create a board to perform the duties with reference thereto provided hereby; to provide for surveying, dividing and marking of said lands; prescribing duties of the Board of Regents of the University of Texas and of the Commissioner of the General Land Office of the State of Texas; authorizing the employment of geologists and mineralogists and other employees, and making an appropriation, and repealing all laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. A board is hereby created to consist of the Commissioner of the General Land Office and two members of the Board of Regents of the University of Texas, neither of whom is employed either directly or indirectly by any oil or gas company, nor is an officer or attorney thereof, to be selected by said Board of Regents, who shall perform the duties hereinafter indicated; the Board shall be known as "Board for Lease of University Lands." The term "board" wherever it appears hereafter in this act shall mean "Board for Lease of University Lands." The board shall keep a complete public record of all its proceedings.

Sec. 2. It is hereby made the duty of the board to cause to be done such surveying or resurveying of the blocks and subdivisions thereof of the Univer-

sity lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors employed to do such surveying shall be approved by said board. The field notes of such surveys shall be returned to the General Land Office, and when correct and in accordance with law, shall be approved by the Commissioner, filed in the General Land Office and become archives therein.

Sec. 3. The oil and gas in the University land shall be subject to sale on and after June 1, 1929, under the regulations, at the times and on the terms provided herein, together with such rules and regulations as may be authorized herein to be adopted by the board but not inconsistent with the provisions of this act.

Sec. 4. Whenever there shall be such demand for the purchase of the oil and gas in any one or more separate whole surveys of sections or fractional sections of University land as will reasonably insure that said oil and gas may be sold advantageously, the board shall place said oil and gas in said lands on the market in separate whole surveys only or in subdivisions of said surveys. It shall cause to be advertised a brief description of the lands from which the oil and gas is proposed to be sold and that sealed bids for the purchase of said oil and gas by lease will be opened at a designated day, at 10 o'clock a. m. on that day, and that sealed bids received up to that time will be considered. Said advertisement shall be made:

(a) By insertion in two or more papers of general circulation in this State.

(b) By mailing a copy thereof to the county clerk and county judge of every county in this State.

(c) In addition to the two foregoing mandatory provisions, the board may, in its discretion, cause said advertisement to be placed in oil and gas journals in and out of the State and to be mailed generally to such persons as they think might be interested.

Sec. 5. All bids shall be directed to

the said board in care of the General Land Office of the State of Texas, and shall be retained by the Commissioner of the General Land Office until the day designated for the opening of bids and upon that day the said board, or a majority of its members shall open said bids and shall list and file and register all bids and money received. A separate bid shall be made for each whole survey or subdivision thereof. No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil and gas in the land bid upon, and this minimum royalty may be increased at the discretion of the board, all members concurring, before the promulgation of the advertisement of the land. Every bid shall carry the obligation to pay an amount not less than ten cents per acre for delay in drilling, such amount to be fixed by the board in advance of the advertisement, and which shall be paid every year for five years, unless in the meantime production in paying quantities is had upon the land.

Sec. 6. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre for delay in drilling of the land bid for, which amount will constitute the first year rental payment for delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay, which royalty shall not be less than one-eighth of the gross production. The bid shall further name such amount as the bidder may be willing to pay in addition to the royalty and the annual payment herein provided for, and shall be accompanied by cash or checks collectible in Austin to cover said amounts.

Sec. 7. If any one of the bidders shall have offered a reasonable and proper price therefor, not less than the price fixed by the board, the lands advertised, or any whole survey or subdivision thereof, may be leased for oil and gas purposes under the terms of this act and such regulations as the board may prescribe, not inconsistent with the provisions of this act. If after any bidding by sealed bids the board should reject all bids, as it is hereby authorized to do, it may thereafter offer for sale and sell the oil and gas in said lands, in separate whole surveys only or subdivisions thereof, by open public auction to be held at a time and place designated by the board and after adequate and proper notice, but no disposition shall be made of said oil and gas in said

lands at such public auction at a price less than the price offered by the sealed bids. All bids may be rejected. In the event of no sale at public auction, any subsequent procedure for the sale of said oil and gas leases shall be in the manner above provided.

Sec. 8. If the board shall determine that a satisfactory bid has been received for said oil and gas, it shall make an award to the applicant, offering the highest price therefor, and a lease shall be executed by the Commissioner of the General Land Office. A duplicate copy of such lease shall be filed in the General Land Office. Whenever the royalties shall amount to as much as the yearly payment as fixed by the board, the yearly payment may be discontinued. If before the expiration of three years oil and gas in paying quantities shall not have been produced, the lease shall terminate. The lease shall include such additional provisions and regulations as the board may prescribe to preserve the interest of the State and safeguard the interest of the University funds, but not inconsistent with the provisions of this act.

Sec. 9. If during the term of any lease issued under the provisions of this act lessee shall be engaged in actual drilling operations for the discovery of oil and gas on land covered by any such lease, no rentals shall be payable as to the tract on which such operations are being conducted so long as such operations are proceeding in good faith; and in the event oil or gas is discovered in paying quantities on any tract covered by any such lease, then the lease as to such tract shall remain in force so long as oil or gas is produced in paying quantities from such tract. In the event of the discovery of oil or gas on any tract covered by a lease issued hereunder or on any land adjoining same, the lessee shall conduct such operations as may be necessary to prevent drainage from the tract covered by such lease and to properly develop the same. Failure to comply with the obligations provided by this section shall subject the holder of the lease to the penalties provided in Sections 12 and 13 of this act.

Sec. 10. Title to all rights purchased may be held by the owners so long as the area produces oil and gas in paying quantities. All rights purchased may be assigned in quantities of not less than forty acres, unless there be less than forty acres remaining in any survey, in which case such lesser area

may be so assigned. All assignments shall be filed in the General Land Office within one hundred days after the date of the first acknowledgment thereof, accompanied by ten cents per acre for each acre assigned, and if not so filed and payment made, the assignment shall be ineffective. All rights to any whole survey and to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated and filed in the Land Office accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The board shall authorize the laying of pipe lines, telephone lines and the opening of such roads over the University lands as may be deemed reasonably necessary for and incident to the purposes of this act.

Sec. 11. Royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, for the benefit of the University permanent fund on or before the 20th day of each succeeding month for the preceding month during the life of the rights purchased, and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report and the amount of gas produced and sold off the premises and the market value of the oil and gas, together with a copy of all daily gauges of tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts, receipts and discharge of all wells, tanks, pools, meters, pipe lines and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and gas shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor, or any member of the Board of Regents of the University of Texas, or the representative of either.

Sec. 12. In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not University land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner thereof to adequately protect the land leased from drainage from adjacent

lands. In cases where the area in which the oil and gas is sold is contiguous to other University lands leased or sold, at a lesser royalty, the owner shall likewise protect the State from drainage from the land so leased or sold for a lesser royalty. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder may be forfeited by the board in the manner elsewhere provided herein for forfeiture.

Sec. 13. If the owner of the rights acquired under this act shall fail or refuse to make the payment of any sum due thereon, either as rental or royalty on the production within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling, or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority to access to the records and other data pertaining to the operations under this act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default, and declaring the forfeiture. The board may, if it so determines, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipe line, telephone lines, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of said lease.

Sec. 14. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sale

and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalty for deposit to the credit of the permanent University fund and all rentals for delay in drilling and all other payments, including all filing, assignment and relinquishment fees hereunder to the credit of the available University fund.

Sec. 15. The board is authorized to employ a geologist and a mineralogist who shall keep informed with reference to the minerals in University lands and all activities under this and previous leases and sales and shall report to the board all information gained with reference thereto. The board is also authorized to employ other necessary employees. The salaries of such employees shall be paid monthly, and no salary shall be paid in excess of six thousand (\$6000) dollars per annum.

Sec. 16. The expenses of executing the provisions of this act shall be paid monthly by warrants drawn by the Comptroller on the State Treasurer, and for that purpose the sum of twenty thousand (\$20,000) dollars or as much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated until September 1, 1929.

Sec. 17. If any provision hereof should be held unconstitutional, the balance of the act shall not be affected thereby.

Sec. 18. The board shall adopt proper forms and regulations, rules and contracts as will in its best judgment protect the income from lands leased hereunder. A majority of the board shall have power to act in all cases, except where otherwise herein provided. The board may reject any and all bids, and shall have the further right to withdraw any lands advertised for lease prior to receiving and opening bids. Any and all laws or parts of laws in conflict with this act are hereby repealed.

Sec. 19. Since there is no law authorizing the sale of oil and gas leases on University lands, this act creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each house be suspended and this be placed upon third reading and final passage and take effect from and after passage, and it is so enacted.

On motion of Mr. Kemble, the report was adopted by the following vote:

Yeas—103.

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| Acker. | Mankin. |
| Ackerman. | Maynard. |
| Adkins. | McCombs. |
| Albritton. | McDonald. |
| Baker. | McGill. |
| Barnett. | Mehl. |
| Beck. | Metcalf. |
| Bond. | Montgomery. |
| Bounds. | Moore. |
| Bradley. | Morse. |
| Brooks. | Mullally. |
| Carpenter. | Negley. |
| Chastain. | Nicholson. |
| Coltrin. | Olsen. |
| Conway. | O'Neill. |
| Cox of Navarro. | Palmer. |
| Cox of Limestone. | Patterson. |
| Duvall. | Petsch. |
| Enderby. | Pool. |
| Ewing. | Pope of Jones. |
| Eickenroht. | Purl. |
| Finn. | Quinn. |
| Forbes. | Reader. |
| Fuchs. | Reid. |
| Gerron. | Renfro. |
| Hardy. | Rogers. |
| Harding. | Rountree. |
| Harman. | Sanders. |
| Harper. | Savage. |
| Heaton. | Shaver. |
| Hefley. | Shelton. |
| Hines. | Simmons. |
| Hogg. | Sinks. |
| Holder. | Smith. |
| Hopkins. | Speck. |
| Hornaday. | Strong. |
| Hubbard. | Tarwater. |
| Jenkins. | Thompson. |
| Johnson | Thurmond. |
| of Dimmit. | Tillotson. |
| Johnson of Scurry. | Van Zandt. |
| Jones. | Veatch. |
| Justiss. | Waddell. |
| Kayton. | Wallace. |
| Keeton. | Walters. |
| Kemble. | Warwick. |
| Kennedy. | Webb. |
| Kenyon. | Westbrook. |
| Kinnear. | Williams |
| Lee. | of Sabine. |
| Lemens. | Williams |
| Long of Houston. | of Travis. |
| Long of Wichita. | Young. |
| Loy. | |

Nays—5.

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| King. | Pavlica. |
| Mosely. | Sherrill. |
| Murphy. | |

Present—Not Voting.

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| Bateman. | Brice. |
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Absent.

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| Anderson. | Kincaid. |
| Baldwin. | Martin. |
| Cox of Lamar. | Mauritz. |
| Davis. | McKean. |
| DeWolfe. | Pope of Nueces. |
| Dunlap. | Prendergast. |
| Finlay. | Shipman. |
| Gates. | Snelgrove. |
| Gilbert. | Stephens. |
| Giles. | Stevenson. |
| Graves | Storey. |
| of Williamson. | Turner. |
| Graves of Erath. | Wiggs. |
| Johnson of Smith. | Woodall. |
| Keller. | Woodruff. |

Absent—Excused.

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|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

MESSAGES FROM THE GOVERNOR.

Mr. Pat Dougherty, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

Executive Office, March 11, 1929.

To the Honorable House of Representatives of the Forty-first Legislature:

I herewith return House bill No. 267, being "An Act amending Article 941a of the Penal Code of Texas by striking out the counties of Erath and Hood, and declaring an emergency."

This bill attempts to amend Article 941a of the Penal Code of the State of Texas. It passed the House of Representatives on February 8, 1929, and passed the Senate on February 27, 1929. House bill No. 251, which amends Article 941a of the Penal Code, passed the House of Representatives on February 8, 1929, and passed the Senate on February 27, 1929. These two bills passed in the House and Senate, respectively, on the same days, and attempt to amend the same article, and are in conflict with each other.

I have approved House bill No. 251, but I veto House bill No. 267 because of its conflict with House bill No. 251, and return herewith the vetoed bill.

Respectfully submitted,
(Signed) DAN MOODY,
Governor.

Executive Office, March 11, 1929.

To the Honorable House of Representatives of the Forty-first Legislature:

I return herewith House bill No. 563, being "An Act amending Article 923pp, by providing that it shall be lawful to kill, take and have in possession any fur-bearing animal except a fox within Limestone county during the open season; providing that it shall be legal to kill, take, and have in possession within Limestone county, rabbits at any time, and declaring an emergency."

You will observe that Section 1 provides "That Article 923pp of the Revised Civil Statutes of the State of Texas be, and it is hereby amended so as to hereafter read as follows:"

There is no such article as the one which this bill attempts to amend, and for this reason the bill would be inoperative, and I have vetoed it.

Respectfully submitted,
(Signed) DAN MOODY, Governor.

CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 126.

Mr. Rogers called up for consideration at this time the following conference committee report on Senate bill No. 126:

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your conference committee to whom was referred

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the secretary-treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, etc., and declaring an emergency."

Have had the same under consideration and beg leave to report that we have adjusted the differences between the House and the Senate on said bill and recommend the passage of the following substitute bill:

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners and the secretary-treasurer thereof, in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter, to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the act; and further providing that, upon receipt of the annual payment of such registration fee, the secretary-treasurer of the Texas State Board of Medical Examiners, after ascertaining from the records of the board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that the fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which said fund may be expended, and conferring certain powers and duties upon the Texas State Board of Medical Examiners; conferring certain powers and imposing certain duties upon the secretary-treasurer of the Texas State Board of Medical Examiners, and prescribing his salary for the performance of the duties imposed upon him

by this act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, to be registered as such practitioners with the Texas State Board of Medical Examiners on or before the first day of January, A. D. 1930, and thereafter to register in like manner annually on or before the first day of January of each succeeding year.

Each person so registering with the Texas State Board of Medical Examiners shall pay, in connection with each annual registration and for the certificate hereinafter provided for, a fee of two dollars (\$2), which fee shall accompany the application of every such person for such registration. Such payment shall be made to the secretary-treasurer of the Texas State Board of Medical Examiners. Every person so registering shall file with the secretary-treasurer of the Texas State Board of Medical Examiners a written application for annual registration, setting forth his full name, his age, his post-office, his place of residence, the county or counties in which his certificate entitling him to practice medicine has been registered, and the place or places where he is engaged in the practice of medicine, as well as the school of medicine to which he professes to belong and the date of his certificate.

Upon receipt of such application, accompanied by the registration fee of two dollars (\$2), the secretary-treasurer of the Texas State Board of Medical Examiners, after ascertaining, either from the records of the board or from other sources deemed by him to be reliable, that the applicant is a licensed practitioner of medicine in this State, shall issue to the applicant an annual registration certificate, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided, that the filing of such application, the payment of the registration fee and the issuance of such certificate shall not entitle the holder thereof to lawfully practice medicine within the State of Texas unless he has in fact

been previously licensed as such practitioner by the Texas State Board of Medical Examiners, as prescribed by law, and has recorded his certificate entitling him to practice, as issued by said board, in the district clerk's office of the several counties in which the same may be required by law to be recorded, and unless his license to practice medicine is in full force and effect; and provided further, that in any prosecution for the unlawful practice of medicine as denounced in Chapter 6, Title 12, of the Penal Code of Texas, such certificate showing payment of the annual registration fee required by this act shall not be treated as evidence that the holder thereof is lawfully entitled to practice medicine.

Sec. 2. If any person required to register as a practitioner of medicine under the provisions of Section 1 of this act shall fail, neglect or refuse to apply for such registration and pay the annual registration fee before the expiration of sixty days after the first day of January of each year, his license to practice medicine, previously issued to him, shall stand forfeited, so that, for thereafter practicing medicine, he shall be subject to the penalty imposed by Article 742 of the Penal Code of 1925 upon any person unlawfully practicing medicine in this State; provided, that such license shall be reinstated at any time upon written application of the holder, made to the Texas State Board of Medical Examiners, accompanied by payment of the annual registration fees in arrears, and an additional fee of one dollar (\$1.00) and without examination or the performance of any other condition.

And provided further, that when any such forfeited license is thus reinstated, the practitioner's license shall stand as if the same had never been forfeited, and if any prosecutions have been filed or any penalties incurred on account of the practice of medicine by such practitioner during the period when such license stood forfeited, said prosecutions and penalties shall be completely abated, and such reinstatement shall be a complete defense to the same.

Sec. 3. All annual registration fees collected by the secretary-treasurer of the Texas State Board of Medical Examiners under this act shall be placed in the State Treasury, to the credit of a special fund to be known as the "Medical Registration Fund," and all of said fund is hereby appropriated and shall be used by the Texas State Board of Medical Examiners, and under its direction, in

the enforcement of the laws of this State prohibiting the unlawful practice of medicine, and in the dissemination of information to prevent the violation of such laws and to aid in the prosecution of those who violate such laws. The Texas State Board of Medical Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecuting officers of any county in the enforcement of all the laws of the State prohibiting the unlawful practice of medicine and to carry out the other purposes of which said fund is hereby appropriated.

The secretary-treasurer of the Texas State Board of Medical Examiners shall receive a salary of not more than four thousand dollars (\$4000) per annum for the performance of the duties imposed upon him by this act, and shall make and file a surety bond in favor of the Texas State Board of Medical Examiners, in the sum of not less than ten thousand dollars (\$10,000), conditioned that he will faithfully discharge the duties of his office. His salary shall be paid out of said "Medical Registration Fund" and shall not be, in any way, a charge upon the general treasury of the State. The Texas State Board of Medical Examiners shall employ and provide such clerks and employees as may be necessary to assist the secretary-treasurer in performing his duties and in carrying out the purpose of this act; provided, that the compensation of all persons authorized to be employed under this chapter shall be paid only out of said "Medical Registration Fund."

Sec. 4. This act shall not be construed as repealing any part of Chapter 6 of Title 71, Revised Civil Statutes of 1925, or Chapter 6 of Title 12 of the Penal Code of 1925.

Sec. 5. The fact that it is desirable to have a State record properly kept, showing the number of persons engaged in the practice of medicine in this State, and showing where such persons are so engaged, and the fact that additional funds are needed to properly enforce the laws of this State, prohibiting the unlawful practice of medicine, and that additional power should be conferred on the Texas State Board of Medical Examiners to assist in such prosecutions and to aid in the enforcement of such laws, creates an emergency which requires that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended and that this act shall take effect

and be in force from and after its passage, and it is so enacted.

MOORE,
BECK,
HOLBROOK,
WITT,
WIRTZ,

On the Part of the Senate.

DUVALL,
ROGERS,
READER,
JOHNSON of Smith,

On the Part of the House.

Mr. Rogers moved that the report be adopted.

Mr. Renfro moved that the report be not adopted at this time, and that it be printed in the Journal.

Mr. Reader moved to table the motion by Mr. Renfro.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—53.

| | |
|--------------------|------------|
| Acker. | McCombs. |
| Ackerman. | McDonald. |
| Beck. | McKean. |
| Bounds. | Mehl. |
| Bradley. | Moore. |
| Chastain. | Morse. |
| Coltrin. | Mullally. |
| Conway. | Murphy. |
| Cox of Navarro. | Negley. |
| Cox of Limestone. | Nicholson. |
| Dunlap. | Patterson. |
| Duvall. | Petsch. |
| Finn. | Pool. |
| Fuchs. | Reader. |
| Gilbert. | Rogers. |
| Harding. | Rountree. |
| Hefley. | Sanders. |
| Hogg. | Shaver. |
| Holder. | Sinks. |
| Hornaday. | Speck. |
| Hubbard. | Thurmond. |
| Johnson of Smith. | Tillotson. |
| Johnson of Scurry. | Van Zandt. |
| Jones. | Wallace. |
| Kenyon. | Warwick. |
| Kinnear. | Westbrook. |
| Long of Houston. | Williams |
| Mankin. | of Travis. |

Nays—50.

| | |
|---------------|----------------|
| Albritton. | Forbes. |
| Baker. | Graves |
| Barnett. | of Williamson. |
| Bateman. | Harper. |
| Brice. | Heaton. |
| Cox of Lamar. | Hines. |
| Enderby. | Jenkins. |
| Ewing. | Justiss. |
| Eickenroht. | Keeton. |

| | |
|------------------|------------|
| Kennedy. | Savage. |
| King. | Shelton. |
| Lee. | Sherrill. |
| Lemens. | Simmons. |
| Long of Wichita. | Smith. |
| Martin. | Stevenson. |
| Mauritz. | Strong. |
| Maynard. | Tarwater. |
| McGill. | Turner. |
| Mosely. | Veatch. |
| Palmer. | Wiggs. |
| Pavlica. | Williams |
| Pope of Jones. | of Sabine. |
| Pope of Nueces. | Woodall. |
| Purl. | Woodruff. |
| Reid. | Young. |
| Renfro. | |

Present—Not Voting.

| | |
|------------|--------------|
| Carpenter. | Prendergast. |
| Quinn. | Webb. |

Absent.

| | |
|------------------|-------------|
| Adkins. | Kayton. |
| Anderson. | Keller. |
| Baldwin. | Kemble. |
| Bond. | Kincaid. |
| Brooks. | Loy. |
| Davis. | Metcalfe. |
| DeWolfe. | Montgomery. |
| Finlay. | Olsen. |
| Gates. | O'Neill. |
| Gerron. | Shipman. |
| Giles. | Snelgrove. |
| Graves of Erath. | Stephens. |
| Hardy. | Storey. |
| Harman. | Thompson. |
| Hopkins. | Waddell. |
| Johnson | Walters. |
| of Dimmit. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

Mr. Long of Wichita moved, as a substitute motion, that the report be not adopted and that a new committee be appointed to adjust the differences.

Mr. Duvall moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—50.

| | |
|-----------|-----------------|
| Acker. | Conway. |
| Beck. | Cox of Navarro. |
| Bounds. | Dunlap. |
| Bradley. | Duvall. |
| Chastain. | Finn. |
| Coltrin. | Gilbert. |

| | |
|--------------------|------------|
| Harding. | Pool. |
| Hogg. | Purl. |
| Holder. | Reader. |
| Hornaday. | Rogers. |
| Hubbard. | Sanders. |
| Johnson of Smith. | Shaver. |
| Johnson of Scurry. | Shelton. |
| Jones. | Sinks. |
| Kenyon. | Speck. |
| Kinnear. | Storey. |
| Mankin. | Strong. |
| McCombs. | Thurmond. |
| Mehl. | Van Zandt. |
| Moore. | Wallace. |
| Morse. | Warwick. |
| Murphy. | Westbrook. |
| Negley. | Williams |
| Patterson. | of Travis. |
| Petsch. | Young. |

Nays—55.

| | |
|------------------|-----------------|
| Ackerman. | Loy. |
| Albritton. | Mauritz. |
| Baker. | McDonald. |
| Bateman. | McGill. |
| Brice. | Metcalfe. |
| Carpenter. | Mosely. |
| Cox of Lamar. | Mullally. |
| Davis. | Palmer. |
| Enderby. | Pavlica. |
| Ewing. | Pope of Jones. |
| Eickenroht. | Pope of Nueces. |
| Forbes. | Prendergast. |
| Gerron. | Quinn. |
| Graves | Reid. |
| of Williamson. | Renfro. |
| Harman. | Rountree. |
| Harper. | Savage. |
| Heaton. | Smith. |
| Hefley. | Stevenson. |
| Hines. | Tarwater. |
| Jenkins. | Tillotson. |
| Justiss. | Veatch. |
| Keeton. | Waddell. |
| Kennedy. | Walters. |
| King. | Williams |
| Lee. | of Sabine. |
| Lemens. | Woodall. |
| Long of Houston. | Woodruff. |
| Long of Wichita. | |

Present—Not Voting.

| | |
|----------|--------|
| Maynard. | Wiggs. |
|----------|--------|

Absent.

| | |
|-------------------|------------------|
| Adkins. | Gates. |
| Anderson. | Giles. |
| Baldwin. | Graves of Erath. |
| Barnett. | Hardy. |
| Bond. | Hopkins. |
| Brooks. | Johnson |
| Cox of Limestone. | of Dimmit. |
| DeWolfe. | Kayton. |
| Finlay. | Keller. |
| Fuchs. | Kemble. |

| | |
|-------------|------------|
| Kincaid. | Shipman. |
| Martin. | Simmons. |
| McKean. | Snelgrove. |
| Montgomery. | Stephens. |
| Nicholson. | Thompson. |
| Olsen. | Turner. |
| O'Neill. | Webb. |
| Sherrill. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

Question then recurring on the motion by Mr. Long of Wichita, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—58.

| | |
|------------------|-----------------|
| Ackerman. | McCombs. |
| Albritton. | McDonald. |
| Baker. | McGill. |
| Bateman. | Metcalfe. |
| Bradley. | Montgomery. |
| Brice. | Mosely. |
| Carpenter. | Olsen. |
| Coltrin. | Palmer. |
| Cox of Lamar. | Pavlica. |
| Davis. | Pope of Jones. |
| Eickenroht. | Pope of Nueces. |
| Forbes. | Prendergast. |
| Gerron. | Reid. |
| Graves | Renfro. |
| of Williamson. | Rountree. |
| Harman. | Savage. |
| Harper. | Smith. |
| Heaton. | Speck. |
| Hines. | Stevenson. |
| Jenkins. | Storey. |
| Justiss. | Strong. |
| Keeton. | Tarwater. |
| Kennedy. | Turner. |
| King. | Waddell. |
| Lee. | Webb. |
| Lemens. | Williams |
| Long of Houston. | of Sabine. |
| Long of Wichita. | Woodall. |
| Loy. | Woodruff. |
| Mauritz. | Young. |

Nays—50.

| | |
|-----------------|--------------------|
| Acker. | Gilbert. |
| Beck. | Harding. |
| Bond. | Hefley. |
| Bounds. | Hogg. |
| Chastain. | Holder. |
| Conway. | Hopkins. |
| Cox of Navarro. | Hornaday. |
| Dunlap. | Hubbard. |
| Duvall. | Johnson of Smith. |
| Finn. | Johnson of Scurry. |

| | |
|------------|------------|
| Kayton. | Rogers. |
| Kenyon. | Sanders. |
| Kinnear. | Shaver. |
| Mankin. | Shelton. |
| Mehl. | Sinks. |
| Moore. | Simmons. |
| Morse. | Thurmond. |
| Mullally. | Van Zandt. |
| Murphy. | Veatch. |
| Negley. | Wallace. |
| Patterson. | Walters. |
| Petsch. | Warwick. |
| Pool. | Westbrook. |
| Purl. | Williams |
| Quinn. | of Travis. |
| Reader. | |

Present—Not Voting.

Cox of Limestone. Wiggs.

Absent.

| | |
|------------------|------------|
| Adkins. | Jones. |
| Anderson. | Keller. |
| Baldwin. | Kemble. |
| Barnett. | Kincaid. |
| Brooks. | Martin. |
| DeWolfe. | Maynard. |
| Enderby. | McKean. |
| Ewing. | Nicholson. |
| Finlay. | O'Neill. |
| Fuchs. | Sherrill. |
| Gates. | Shipman. |
| Giles. | Snelgrove. |
| Graves of Erath. | Stephens. |
| Hardy. | Thompson. |
| Johnson | Tillotson. |
| of Dimmit. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The motion as substituted was then adopted by the following vote:

Yeas—61.

| | |
|----------------|------------------|
| Acker. | Harper. |
| Ackerman. | Harrison. |
| Albritton. | Heaton. |
| Baker. | Hefley. |
| Bateman. | Hines. |
| Bond. | Jenkins. |
| Brice. | Justiss. |
| Carpenter. | Keeton. |
| Coltrin. | Kennedy. |
| Cox of Lamar. | King. |
| Enderby. | Lee. |
| Eickenroht. | Lemens. |
| Forbes. | Long of Wichita. |
| Gerron. | Loy. |
| Graves | Mauritz. |
| of Williamson. | McDonald. |

| | |
|-----------------|------------|
| McGill. | Smith. |
| Metcalfe. | Stevenson. |
| Montgomery. | Storey. |
| Mosely. | Strong. |
| Olsen. | Tarwater. |
| Palmer. | Thompson. |
| Pavlica. | Turner. |
| Pope of Jones. | Waddell. |
| Pope of Nueces. | Walters. |
| Prendergast. | Warwick. |
| Quinn. | Webb. |
| Reader. | Williams |
| Reid. | of Sabine. |
| Renfro. | Woodall. |
| Rountree. | Woodruff. |
| Savage. | Young. |
| Speck. | |

Nays—43.

| | |
|--------------------|------------------|
| Beck. | Long of Houston. |
| Bounds. | Mankin. |
| Bradley. | McCombs. |
| Chastain. | Mehl. |
| Conway. | Moore. |
| Cox of Limestone. | Morse. |
| Dunlap. | Murphy. |
| Duvall. | Negley. |
| Finn. | Patterson. |
| Fuchs. | O'Neill. |
| Gilbert. | Pool. |
| Harding. | Purl. |
| Hogg. | Rogers. |
| Holder. | Sanders. |
| Hornaday. | Shaver. |
| Hubbard. | Shelton. |
| Johnson of Smith. | Simmons. |
| Johnson of Scurry. | Thurmond. |
| Jones. | Van Zandt. |
| Kayton. | Veatch. |
| Kenyon. | Wallace. |
| Kinnear. | Westbrook. |

Present—Not Voting.

Wiggs.

Absent.

| | |
|------------------|------------|
| Adkins. | Keller. |
| Anderson. | Kemble. |
| Baldwin. | Kincaid. |
| Barnett. | Martin. |
| Brooks. | Maynard. |
| Cox of Navarro. | McKean. |
| Davis. | Mullally. |
| DeWolfe. | Nicholson. |
| Ewing. | Petsch. |
| Finlay. | Sherrill. |
| Gates. | Shipman. |
| Giles. | Sinks. |
| Graves of Erath. | Snelgrove. |
| Hardy. | Stephens. |
| Hopkins. | Tillotson. |
| Johnson | Williams |
| of Dimmit. | of Travis. |

Absent—Excused.

| | |
|--------------|-------|
| Mr. Speaker. | Avis. |
|--------------|-------|

Harman.
Land.
Ray.
Richardson.

White.
Williams
of Hardin.

SENATE BILL NO. 190 ON SECOND
READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 190, A bill to be entitled "An Act making an emergency appropriation out of the sand, shell and gravel fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing streets and roads, and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 190 ON THIRD
READING.

Mr. Wallace moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109.

| | |
|-----------------|--------------------|
| Acker. | Heaton. |
| Ackerman. | Hefley. |
| Albritton. | Hines. |
| Baker. | Holder. |
| Barnett. | Hornaday. |
| Bateman. | Hubbard. |
| Beck. | Johnson |
| Bond. | of Dimmit. |
| Bounds. | Johnson of Smith. |
| Bradley. | Johnson of Scurry. |
| Brice. | Jones. |
| Chastain. | Justiss. |
| Coltrin. | Kayton. |
| Conway. | Keeton. |
| Cox of Navarro. | Kemble. |
| Cox of Lamar. | Kennedy. |
| Davis. | Kenyon. |
| Dunlap. | Kinnear. |
| Enderby. | Lemens. |
| Ewing. | Long of Houston. |
| Eickenroht. | Loy. |
| Finn. | Mankin. |
| Forbes. | Martin. |
| Fuchs. | Mauritz. |
| Gilbert. | Maynard. |
| Graves | McCombs. |
| of Williamson. | McDonald. |
| Harding. | McKean. |
| Harper. | Mehl. |

Metcalf.
Montgomery.
Moore.
Morse.
Mosely.
Mullally.
Murphy.
Negley.
Nicholson.
Olsen.
O'Neill.
Palmer.
Patterson.
Pavlica.
Petsch.
Pope of Jones.
Pope of Nueces.
Prendergast.
Quinn.
Reader.
Reid.
Renfro.
Rogers.
Rountree.
Sanders.
Savage.
Shaver.
Shelton.

Sherrill.
Simmons.
Sinks.
Smith.
Speck.
Stevenson.
Storey.
Strong.
Tarwater.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Waddell.
Wallace.
Walters.
Warwick.
Webb.
Wiggs.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.
Young.

Nays—1.

Gerron.

Present—Not Voting.

Cox of Limestone.

Absent.

| | |
|------------------|------------------|
| Adkins. | Jenkins. |
| Anderson. | Keller. |
| Baldwin. | Kincaid. |
| Brooks. | King. |
| Carpenter. | Lee. |
| DeWolfe. | Long of Wichita. |
| Duvall. | McGill. |
| Finlay. | Pool. |
| Gates. | Purl. |
| Giles. | Shipman. |
| Graves of Erath. | Snelgrove. |
| Hardy. | Stephens. |
| Harman. | Thompson. |
| Hogg. | Westbrook. |
| Hopkins. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid Senate bill No. 190 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

| | |
|--------------------|-----------------|
| Acker. | Mehl. |
| Ackerman. | Metcalfe. |
| Albritton. | Montgomery. |
| Barnett. | Moore. |
| Bateman. | Morse. |
| Beck. | Mosely. |
| Bond. | Mullally. |
| Bounds. | Murphy. |
| Bradley. | Negley. |
| Brice. | Nicholson. |
| Brooks. | Olsen. |
| Carpenter. | O'Neill. |
| Chastain. | Palmer. |
| Coltrin. | Patterson. |
| Conway. | Pavlica. |
| Cox of Navarro. | Petsch. |
| Cox of Lamar. | Pool. |
| Cox of Limestone. | Pope of Nueces. |
| Davis. | Purl. |
| Enderby. | Quinn. |
| Ewing. | Reader. |
| Eickenroht. | Reid. |
| Forbes. | Renfro. |
| Gerron. | Rogers. |
| Gilbert. | Sanders. |
| Harding. | Savage. |
| Harper. | Shaver. |
| Hefley. | Shelton. |
| Hines. | Sherrill. |
| Hogg. | Simmons. |
| Holder. | Sinks. |
| Hornaday. | Smith. |
| Hubbard. | Speck. |
| Johnson of Smith. | Stevenson. |
| Johnson of Dimmit. | Storey. |
| Johnson of Scurry. | Strong. |
| Jones. | Tarwater. |
| Justiss. | Thompson. |
| Kayton. | Thurmond. |
| Keeton. | Tillotson. |
| Kemble. | Turner. |
| Kenyon. | Van Zandt. |
| Kinnear. | Veatch. |
| Lee. | Waddell. |
| Lemens. | Wallace. |
| Long of Houston. | Walters. |
| Long of Wichita. | Warwick. |
| Mankin. | Webb. |
| Martin. | Wiggs. |
| Mauritz. | Williams. |
| Maynard. | of Sabine. |
| McCombs. | Williams. |
| McDonald. | of Travis. |
| McGill. | Woodall. |
| McKean. | Woodruff. |
| | Young. |

Nays—3.

| | |
|----------|--------------|
| Baker. | Prendergast. |
| Kennedy. | |

Absent.

| | |
|-----------|----------|
| Adkins. | Baldwin. |
| Anderson. | DeWolfe. |

| | |
|------------------|----------------|
| Dunlap. | Hopkins. |
| Duvall. | Jenkins. |
| Finn. | Keller. |
| Finlay. | Kincaid. |
| Fuchs. | King. |
| Gates. | Loy. |
| Giles. | Pope of Jones. |
| Graves. | Rountree. |
| of Williamson. | Shipman. |
| Graves of Erath. | Snelgrove. |
| Hardy. | Stephens. |
| Harman. | Westbrook. |
| Heaton. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams. |
| Land. | of Hardin. |
| Ray. | |

SENATE BILL NO. 503 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 503, A bill to be entitled "An Act making an appropriation of \$28,911.47, or so much thereof as may be necessary payable out of the general revenue not otherwise appropriated and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1929, and to be deposited in the State Treasury, said appropriations being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1931, and declaring an emergency."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 503 ON THIRD READING.

Mr. Wallace moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 503 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

| | |
|------------|----------|
| Acker. | Baker. |
| Ackerman. | Barnett. |
| Albritton. | Bateman. |

| | |
|--------------------|----------------|
| Bond. | Moore. |
| Bounds. | Morse. |
| Bradley. | Mosely. |
| Brice. | Mullally. |
| Carpenter. | Murphy. |
| Chastain. | Negley. |
| Coltrin. | Nicholson. |
| Conway. | Olsen. |
| Cox of Navarro. | O'Neill. |
| Cox of Lamar. | Palmer. |
| Cox of Limestone. | Patterson. |
| Davis. | Pavlica. |
| Duvall. | Pool. |
| Enderby. | Pope of Jones. |
| Ewing. | Prendergast. |
| Eickenroht. | Quinn. |
| Forbes. | Reader. |
| Fuchs. | Reid. |
| Gerron. | Renfro. |
| Gilbert. | Rogers. |
| Graves | Rountree. |
| of Williamson. | Sanders. |
| Hardy. | Shaver. |
| Harper. | Shelton. |
| Heaton. | Sherrill. |
| Hefley. | Simmons. |
| Hines. | Sinks. |
| Hogg. | Smith. |
| Holder. | Speck. |
| Hornaday. | Stevenson. |
| Jenkins. | Storey. |
| Johnson | Strong. |
| of Dimmit. | Tarwater. |
| Johnson of Smith. | Thompson. |
| Johnson of Scurry. | Thurmond. |
| Jones. | Tillotson. |
| Justiss. | Turner. |
| Keeton. | Van Zandt. |
| Kemble. | Veatch. |
| Kennedy. | Waddell. |
| Kenyon. | Wallace. |
| Kinnear. | Walters. |
| Lee. | Warwick. |
| Lemens. | Webb. |
| Long of Houston. | Wiggs. |
| Long of Wichita. | Williams |
| Martin. | of Sabine. |
| Maynard. | Williams |
| McDonald. | of Travis. |
| McGill. | Woodall. |
| McKean. | Woodruff. |
| Metcalfe. | Young. |
| Montgomery. | |

Absent.

| | |
|-----------|------------------|
| Adkins. | Graves of Erath. |
| Anderson. | Harding. |
| Baldwin. | Harman. |
| Beck. | Hopkins. |
| Brooks. | Hubbard. |
| DeWolfe. | Kayton. |
| Dunlap. | Keller. |
| Finn. | Kincaid. |
| Finlay. | King. |
| Gates. | Loy. |
| Giles. | Mankin. |

| | |
|-----------------|------------|
| Mauritz. | Savage. |
| McCombs. | Shipman. |
| Mehl. | Snelgrove. |
| Petsch. | Stephens. |
| Pope of Nueces. | Westbrook. |
| Purl. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid Senate bill No. 503 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

| | |
|--------------------|------------------|
| Acker. | Kinnear. |
| Ackerman. | Lee. |
| Albritton. | Lemens. |
| Baker. | Long of Houston. |
| Barnett. | Long of Wichita. |
| Bateman. | Martin. |
| Beck. | Maynard. |
| Bond. | McDonald. |
| Bounds. | McGill. |
| Bradley. | McKean. |
| Brice. | Mehl. |
| Carpenter. | Metcalfe. |
| Chastain. | Montgomery. |
| Coltrin. | Moore. |
| Conway. | Morse. |
| Cox of Navarro. | Mosely. |
| Cox of Lamar. | Mullally. |
| Cox of Limestone. | Murphy. |
| Davis. | Negley. |
| Dunlap. | Nicholson. |
| Duvall. | Olsen. |
| Enderby. | O'Neill. |
| Ewing. | Palmer. |
| Eickenroht. | Patterson. |
| Forbes. | Pavlica. |
| Fuchs. | Pool. |
| Gerron. | Pope of Jones. |
| Gilbert. | Quinn. |
| Graves | Reader. |
| of Williamson. | Reid. |
| Harman. | Renfro. |
| Harper. | Rountree. |
| Heaton. | Sanders. |
| Hefley. | Savage. |
| Hines. | Shelton. |
| Hogg. | Sherrill. |
| Holder. | Simmons. |
| Hornaday. | Sinks. |
| Johnson of Smith. | Smith. |
| Johnson of Scurry. | Speck. |
| Jones. | Stevenson. |
| Justiss. | Storey. |
| Kemble. | Strong. |
| Kennedy. | Tarwater. |
| Kenyon. | Thompson. |

| | |
|------------|------------|
| Thurmond. | Webb. |
| Tillotson. | Wiggs. |
| Turner. | Williams |
| Van Zandt. | of Sabine. |
| Veatch. | Williams |
| Waddell. | of Travis. |
| Wallace. | Woodall. |
| Walters. | Woodruff. |
| Warwick. | Young. |

Nays—1.

Jenkins.

Absent.

| | |
|------------------|-----------------|
| Adkins. | Keller. |
| Anderson. | Kincaid. |
| Baldwin. | King. |
| Brooks. | Loy. |
| DeWolfe. | Mankin. |
| Finn. | Mauritz. |
| Finlay. | McCombs. |
| Gates. | Petsch. |
| Giles. | Pope of Nueces. |
| Graves of Erath. | Prendergast. |
| Hardy. | Purl. |
| Harding. | Rogers. |
| Hopkins. | Shaver. |
| Hubbard. | Shipman. |
| Johnson | Snelgrove. |
| of Dimmit. | Stephens. |
| Kayton. | Westbrook. |
| Keeton. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following bills and resolutions:

S. B. No. 96, A bill to be entitled "An Act repealing Articles 4027, 4036, 4037, 4039, 4040, 4041, of the Revised Civil Statutes of 1925, and amending Article 4035 of the Revised Civil Statutes of 1925 and Article 960 of the Penal Code of the State of Texas; providing for the lease of oyster reefs or bottoms of the public waters of the State of Texas to citizens of the United States or domestic corporations for the purpose of cultivating oysters; providing for the form of application of the survey of areas sought to be leased; providing for the payment of the cost of such survey; providing for priority of applications;

providing that the Game, Fish and Oyster Commissioner may grant or refuse any lease; providing for rentals and the amounts thereof; providing for the forfeiture of leases for non-payment of the rentals; providing for the sale of forfeited leases to the highest bidder, limiting the acreage to be leased to any one applicant; providing that not less than one-half of the natural reefs of each and every bay shall be reserved for the use of the general public, and shall not be leased under the terms of this act; providing the term of leases and renewal of leases; providing that all leases under the terms of this act shall be heritable, and all such leases, buildings, and improvements erected upon property leased under the terms of this act shall be subject to mortgage, hypothecation, and sale for debt; providing for recording transfers of leases in the offices of Game, Fish and Oyster Commissioner; providing for marking geographical limits of property leased under the terms of this act; providing a penalty for failure properly to mark such geographical limits of property leased under the terms of this act; providing a penalty for failure properly to mark such geographical limit; providing that navigation shall not be obstructed by such marking; providing for the cultivation by the tenant yearly of at least one-tenth (1/10th) of the leased area; providing that shells shall be reserved for such cultivation and planting; providing that the planting and cultivation shall be attested by certificate to be filed with the Game, Fish and Oyster Commissioner; providing all things necessary and incidental to the main subject and purpose of this act whether mentioned in detail in this caption or not; declaring a rule of construction in the event any part or provision of this act should be held unconstitutional or invalid for any reason, and declaring an emergency."

S. B. No. 237, A bill to be entitled "An Act to amend Article 4613, Article 4614, Article 4618, Article 4619, Article 4620, Article 4118, and Article 5535, of the Revised Civil Statutes of 1925, declaring and defining the legal rights of married women; defining the separate property of married persons; regulating the management, control, disposition, and liability of such separate property; defining the common property of husband and wife; regulating the control, management, disposition, and liability of such common property; regulating the

rights of parents as guardians for their minor children; making married women subject to all laws of limitation; regulating the conveyance of the homestead of the family; repealing Articles 4615, 4616, 4617, 4623, 4624, 4626, 6605, 6608, 1299, 1300, 6164, 1983, 1984, and 1985 of the Revised Civil Statutes of 1925, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 382, A bill to be entitled "An Act making an appropriation to secure sites and erect monuments on certain historic spots in the State; providing for the appointment by the Governor of a committee to carry out the purpose and intent of this act, and appropriating a sum of money sufficient to pay the actual traveling and living expenses of said committee while engaged in said work, and declaring an emergency."

S. B. No. 509, A bill to be entitled "An Act to establish and maintain an agricultural experiment station on the South Plains of Texas, in the region occupied by the counties of Cochran, Yoakum, Gaines, Andrews, Terry and portions of Lynn and Dawson counties, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, empowering said board of directors to establish and maintain same, to accept donations of land, water and money for the establishing of said station, making an appropriation to pay the cost of establishing said station and for the operation of same, and declaring an emergency."

S. B. No. 525, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the North Plains Region of Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board to establish and maintain the same, to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of same and declaring an emergency."

S. B. No. 537, A bill to be entitled "An Act to amend Articles 148, 150 and 151 of the Penal Code by providing for the use and protection of any seal or emblem of the State of Texas; providing a penalty for the violation of this act, and declaring an emergency."

S. B. No. 578, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas, and Oklahoma, executed on the 31st day of December, 1926, by the Commissioners of said States, which ratification and adoption is made subject to certain conditions, and declaring an emergency."

S. B. No. 593, A bill to be entitled "An Act to increase the criminal jurisdiction of the county court of Robertson county, and to conform the jurisdiction of the district court of said county of said change in the jurisdiction of said county court; to fix the time of holding court in said county court of Robertson county; and to repeal all laws and parts of laws in conflict herewith."

H. C. R. No. 38, Amending the seventy-two-hour rule relating to Senate and House bills.

The Senate has adopted the free conference committee report on Senate bill No. 126 by a vote of 19 yeas, 5 nays.

The Senate has adopted the free conference committee report on Senate bill No. 82 by a vote of 28 yeas, 0 nays.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

HOUSE BILL NO. 194 ON THIRD READING.

On motion of Mr. Tarwater, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 194, A bill to be entitled "An Act to aid the city of Port Arthur in the construction of a seawall, breakwater or revetment work, so as to protect said city from calamitous overflows, by donating to said city all the State ad valorem taxes collected on property in Port Arthur and precinct No. 2, in Jefferson county, from persons in precinct No. 2 of Jefferson county, for a period of ten years."

The Speaker laid the bill before the House, it was read third time and was passed by the following vote:

Yeas—81.

Acker.
Adkins.
Baker.
Barnett.
Beck.
Bond.
Bradley.
Carpenter.

Chastain.
Coltrin.
Conway.
Cox of Lamar.
Cox of Limestone.
Davis.
Dunlap.
Duvall.

| | |
|--------------------|-----------------|
| Finn. | Murphy. |
| Forbes. | Negley. |
| Fuchs. | Nicholson. |
| Gerron. | Olsen. |
| Gilbert. | O'Neill. |
| Harman. | Palmer. |
| Harper. | Patterson. |
| Hefley. | Petsch. |
| Hines. | Pope of Nueces. |
| Hogg. | Purl. |
| Holder. | Quinn. |
| Hopkins. | Reader. |
| Hornaday. | Renfro. |
| Hubbard. | Rountree. |
| Johnson | Sanders. |
| of Dimmit. | Shaver. |
| Johnson of Smith. | Shelton. |
| Johnson of Scurry. | Sherrill. |
| Jones. | Smith. |
| Justiss. | Speck. |
| Kayton. | Stevenson. |
| Keller. | Strong. |
| Kenyon. | Tarwater. |
| Kinnear. | Thompson. |
| Lee. | Thurmond. |
| Long of Houston. | Turner. |
| Martin. | Walters. |
| Maynard. | Warwick. |
| McCombs. | Webb. |
| McDonald. | Westbrook. |
| Mehl. | Wiggs. |
| Metcalf. | Williams |
| Montgomery. | of Sabine. |
| Moore. | Williams |
| Mullally. | of Travis. |

Nays—38.

| | |
|------------------|----------------|
| Ackerman. | McGill. |
| Bateman. | McKean. |
| Bounds. | Morse. |
| Brice. | Mosely. |
| Brooks. | Pavlica. |
| DeWolfe. | Pool. |
| Ewing. | Pope of Jones. |
| Eickenroht. | Prendergast. |
| Giles. | Rogers. |
| Graves | Sinks. |
| of Williamson. | Stephens. |
| Hardy. | Storey. |
| Heaton. | Van Zandt. |
| Jenkins. | Veatch. |
| Kemble. | Waddell. |
| Kennedy. | Wallace. |
| King. | Woodall. |
| Long of Wichita. | Woodruff. |
| Loy. | Young. |
| Mankin. | |

Absent.

| | |
|-----------------|------------------|
| Albritton. | Graves of Erath. |
| Anderson. | Harding. |
| Baldwin. | Keeton. |
| Cox of Navarro. | Kincaid. |
| Enderby. | Lemens. |
| Finlay. | Mauritz. |
| Gates. | Reid. |

Savage.
Shipman.
Simmons.

Snelgrove.
Tillotson.

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

HOUSE BILL NO. 121 ON SECOND READING.

On motion of Mr. Stevenson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 121, A bill to be entitled "An Act imposing an occupation tax on any person, company, corporation or association owning, operating, managing or controlling any cotton exchange quotation service or furnishing quotations on the stock market on grain, cotton and other commodities."

The Speaker laid the bill before the House and it was read second time.

Mr. Stevenson offered the following (committee) amendment to the bill:

Amend House bill No. 121 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. A new article, to be known as Article 7047a, is hereby added to the Revised Civil Statutes of Texas for 1925, which article shall read as follows:

"Article 7047a. There shall be levied on and collected from every person, firm or corporation or association of persons owning, operating, managing, controlling or pursuing the business or occupation of any cotton exchange quotation service in this State, or furnishing quotations on the stock market on grain, cotton or other commodities, or stocks and bonds, and who maintain an office or place of business or branch office, and have a bulletin board or other means of furnishing quotations on the stock market, an annual State occupation tax of two hundred and fifty dollars, which shall be paid annually in advance, or as otherwise provided by law for the payment of occupation taxes, on each and every separate establishment, office, branch office or place of business within this State; provided, this article shall not apply to any person, firm or corporation or association of persons who furnish gratuitously market quotations to any person desiring the same and who are not engaged in the business of furnishing market quo-

tations and without intent to solicit or accept orders for contracts, or contracts for future deliveries or sales of any commodity, stock or bonds; provided further, each county and city may levy one-half the occupation tax herein provided for in the manner now provided by Article 7048."

Sec. 2. The fact that there is no occupation tax on the business mentioned in this act, and persons and companies engaged in conducting such business pay only an ad valorem tax on the property they own creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Stevenson offered the following amendment to the amendment:

Amend amendment to House bill No. 121, page 3, line 9, after the word "city," by inserting the following words: "in which same is operated."

The amendment was adopted.

The amendment as amended was then adopted.

Mr. Stevenson offered the following (committee) amendment to the bill:

Amend House bill No. 121 by striking out all before the enacting clause and inserting in lieu thereof the following: "An Act to add to the Revised Civil Statutes of Texas for 1925 a new article to be known as Article 7047a to provide for an occupation tax on the business or occupation of owning, operating, managing, or controlling exchanges which furnish quotations on the stock market on certain commodities, or stocks and bonds, providing said act shall not apply to certain persons, firms, corporations or association of persons, and declaring an emergency."

The amendment was adopted.

House bill No. 121 was then passed to engrossment.

HOUSE BILL NO. 121 ON THIRD READING.

Mr. Stevenson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 121 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108.

| | |
|--------------------|----------------|
| Ackerman. | McCombs. |
| Adkins. | McDonald. |
| Albritton. | McGill. |
| Baker. | Mehl. |
| Barnett. | Metcalfe. |
| Bateman. | Montgomery. |
| Bounds. | Moore. |
| Brice. | Mosely. |
| Brooks. | Mullally. |
| Carpenter. | Murphy. |
| Chastain. | Nicholson. |
| Conway. | Olsen. |
| Cox of Navarro. | O'Neill. |
| Cox of Lamar. | Palmer. |
| Cox of Limestone. | Pavlica. |
| Davis. | Petsch. |
| DeWolfe. | Pool. |
| Dunlap. | Pope of Jones. |
| Enderby. | Prendergast. |
| Ewing. | Purl. |
| Eickenroht. | Quinn. |
| Finn. | Reader. |
| Forbes. | Reid. |
| Fuchs. | Renfro. |
| Gerron. | Rountree. |
| Gilbert. | Sanders. |
| Giles. | Savage. |
| Hardy. | Shaver. |
| Harman. | Sherrill. |
| Harper. | Simmons. |
| Heaton. | Sinks. |
| Hefley. | Smith. |
| Hines. | Speck. |
| Holder. | Stephens. |
| Hopkins. | Stevenson. |
| Hornaday. | Strong. |
| Hubbard. | Tarwater. |
| Jenkins. | Thurmond. |
| Johnson | Tillotson. |
| of Dimmit. | Van Zandt. |
| Johnson of Smith. | Veatch. |
| Johnson of Scurry. | Waddell. |
| Jones. | Wallace. |
| Kayton. | Walters. |
| Keeton. | Warwick. |
| Kemble. | Webb. |
| Kennedy. | Westbrook. |
| Kenyon. | Wiggs. |
| King. | Williams |
| Kinnear. | of Sabine. |
| Lee. | Williams |
| Long of Houston. | of Travis. |
| Loy. | Woodall. |
| Martin. | Woodruff. |
| Mauritz. | Young. |
| Maynard. | |

Nays—10.

| | |
|----------------|------------|
| Beck. | Harding. |
| Bond. | Hogg. |
| Bradley. | Morse. |
| Duval. | Patterson. |
| Graves | Storey. |
| of Williamson. | |

Absent.

| | |
|------------------|------------------|
| Acker. | Long of Wichita. |
| Anderson. | Mankin. |
| Baldwin. | McKean. |
| Coltrin. | Negley. |
| Finlay. | Pope of Nueces. |
| Gates. | Rogers. |
| Graves of Erath. | Shelton. |
| Justiss. | Shipman. |
| Keller. | Snelgrove. |
| Kincaid. | Thompson. |
| Lemens. | Turner. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid House bill No. 121 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

| | |
|-------------------|--------------------|
| Ackerman. | Johnson of Smith. |
| Adkins. | Johnson of Scurry. |
| Albritton. | Jones. |
| Baker. | Justiss. |
| Barnett. | Kayton. |
| Bateman. | Keeton. |
| Bounds. | Kennedy. |
| Brice. | Kenyon. |
| Brooks. | King. |
| Carpenter. | Kinnear. |
| Chastain. | Lee. |
| Conway. | Long of Houston. |
| Cox of Navarro. | Loy. |
| Cox of Lamar. | Mankin. |
| Cox of Limestone. | Martin. |
| Davis. | Mauritz. |
| DeWolfe. | Maynard. |
| Enderby. | McCombs. |
| Ewing. | McDonald. |
| Eickenroht. | McGill. |
| Finn. | Mehl. |
| Forbes. | Metcalfe. |
| Fuchs. | Montgomery. |
| Gerron. | Moore. |
| Gilbert. | Mosely. |
| Giles. | Mullally. |
| Harman. | Murphy. |
| Harper. | Negley. |
| Heaton. | Olsen. |
| Hefley. | O'Neill. |
| Hines. | Palmer. |
| Holder. | Pavlica. |
| Hopkins. | Pool. |
| Hornaday. | Pope of Jones. |
| Hubbard. | Pope of Nueces. |
| Jenkins. | Prendergast. |
| Johnson | Quinn. |
| of Dimmit. | Reader. |

| | |
|------------|---------------------|
| Reid. | Tillotson. |
| Renfro. | Van Zandt. |
| Rogers. | Veatch. |
| Rountree. | Waddell. |
| Sanders. | Wallace. |
| Sherrill. | Walters. |
| Simmons. | Warwick. |
| Sinks. | Webb. |
| Smith. | Westbrook. |
| Speck. | Wiggs. |
| Stephens. | Williams of Sabine. |
| Stevenson. | Williams of Travis. |
| Strong. | Woodall. |
| Tarwater. | Woodruff. |
| Thurmond. | Young. |

Nays—11.

| | |
|----------|------------|
| Beck. | Morse. |
| Bond. | Nicholson. |
| Duvall. | Patterson. |
| Hardy. | Purl. |
| Harding. | Storey. |
| Hogg. | |

Absent.

| | |
|------------------|------------------|
| Acker. | Kincaid. |
| Anderson. | Lemens. |
| Baldwin. | Long of Wichita. |
| Bradley. | McKean. |
| Coltrin. | Petsch. |
| Dunlap. | Savage. |
| Finlay. | Shaver. |
| Gates. | Shelton. |
| Graves of Erath. | Shipman. |
| Graves | Snelgrove. |
| of Williamson. | Thompson. |
| Keller. | Turner. |
| Kemble. | |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

SENATE BILL NO. 187 ON SECOND READING.

On motion of Mr. Reid, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 187, A bill to be entitled "An Act to appropriate the sum of \$25,000 to co-operate with the Department of the Interior of the United States government to investigate reservoir sites and reservoir conditions on the Pecos River, authorizing the Governor to draw upon such funds, and regulating the expenditure thereof, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 187 ON THIRD READING.

Mr. Webb moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118.

| | |
|--------------------|------------------|
| Acker. | Long of Wichita. |
| Ackerman. | Loy. |
| Adkins. | Martin. |
| Albritton. | Mauritz. |
| Baker. | Maynard. |
| Barnett. | McCombs. |
| Bateman. | McDonald. |
| Beck. | McGill. |
| Bounds. | McKean. |
| Bradley. | Mehl. |
| Brice. | Metcalfe. |
| Brooks. | Montgomery. |
| Carpenter. | Moore. |
| Chastain. | Morse. |
| Coltrin. | Mosely. |
| Conway. | Mullally. |
| Cox of Navarro. | Murphy. |
| Cox of Lamar. | Negley. |
| Cox of Limestone. | Olsen. |
| Davis. | O'Neill. |
| Duvall. | Palmer. |
| Enderby. | Patterson. |
| Ewing. | Pavlica. |
| Eickenroht. | Petsch. |
| Finn. | Pool. |
| Forbes. | Pope of Jones. |
| Gerron. | Pope of Nueces. |
| Gilbert. | Prendergast. |
| Giles. | Purl. |
| Graves | Quinn. |
| of Williamson. | Reader. |
| Hardy. | Reid. |
| Harding. | Renfro. |
| Harman. | Rogers. |
| Harper. | Rountree. |
| Hefley. | Sanders. |
| Hines. | Savage. |
| Holder. | Shaver. |
| Hopkins. | Shelton. |
| Hornaday. | Sherrill. |
| Hubbard. | Simmons. |
| Jenkins. | Sinks. |
| Johnson | Smith. |
| of Dimmit. | Speck. |
| Johnson of Smith. | Stephens. |
| Johnson of Scurry. | Storey. |
| Jones. | Strong. |
| Justiss. | Tarwater. |
| Keeton. | Thompson. |
| Kemble. | Thurmond. |
| Kenyon. | Tillotson. |
| Kinnear. | Turner. |
| Lee. | Van Zandt. |
| Lemens. | Veatch. |
| Long of Houston. | Waddell. |

Wallace.
Walters.
Warwick.
Webb.
Westbrook.
Wiggs.

Williams
of Sabine.
Williams
of Travis.
Woodruff.
Young.

Nays—3.

Bond.
Heaton.

Kennedy.

Absent.

Anderson.
Baldwin.
DeWolfe.
Dunlap.
Finlay.
Fuchs.
Gates.
Graves of Erath.
Hogg.
Kayton.

Keller.
Kincaid.
King.
Mankin.
Nicholson.
Shipman.
Snelgrove.
Stevenson.
Woodall.

Absent—Excused.

Mr. Speaker.
Avis.
Harrison.
Land.
Ray.

Richardson.
White.
Williams
of Hardin.

The Speaker then laid Senate bill No. 187 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—113.

| | |
|-------------------|--------------------|
| Ackerman. | Harding. |
| Adkins. | Harman. |
| Albritton. | Harper. |
| Baker. | Hefley. |
| Barnett. | Hines. |
| Bateman. | Hogg. |
| Beck. | Holder. |
| Bounds. | Hopkins. |
| Bradley. | Hornaday. |
| Brooks. | Hubbard. |
| Carpenter. | Jenkins. |
| Chastain. | Johnson |
| Coltrin. | of Dimmit. |
| Conway. | Johnson of Smith. |
| Cox of Navarro. | Johnson of Scurry. |
| Cox of Lamar. | Jones. |
| Cox of Limestone. | Justiss. |
| Davis. | Kayton. |
| Dunlap. | Keller. |
| Duvall. | Kemble. |
| Enderby. | Kenyon. |
| Ewing. | Kinnear. |
| Eickenroht. | Lee. |
| Finn. | Lemens. |
| Forbes. | Long of Houston. |
| Gerron. | Long of Wichita. |
| Gilbert. | Loy. |
| Giles. | Maynard. |
| Hardy. | McCombs. |

| | |
|-----------------|------------|
| McDonald. | Shelton. |
| McGill. | Sherrill. |
| McKean. | Sinks. |
| Mehl. | Smith. |
| Metcalfe. | Speck. |
| Montgomery. | Stephens. |
| Moore. | Storey. |
| Morse. | Strong. |
| Mosely. | Tarwater. |
| Mullally. | Thompson. |
| Negley. | Thurmond. |
| Olsen. | Tillotson. |
| O'Neill. | Turner. |
| Palmer. | Van Zandt. |
| Patterson. | Veatch. |
| Pavlica. | Waddell. |
| Pool. | Walters. |
| Pope of Jones. | Warwick. |
| Pope of Nueces. | Webb. |
| Prendergast. | Westbrook. |
| Purl. | Wiggs. |
| Quinn. | Williams |
| Reader. | of Sabine. |
| Reid. | Williams |
| Renfro. | of Travis. |
| Rogers. | Woodruff. |
| Rountree. | Woodall. |
| Sanders. | Young. |
| Savage. | |

Nays—3.

| | |
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| Bond. | Kennedy. |
| Heaton. | |

Present—Not Voting.

Brice.

Absent.

| | |
|------------------|------------|
| Acker. | King. |
| Anderson. | Mankin. |
| Baldwin. | Martin. |
| DeWolfe. | Mauritz. |
| Finlay. | Murphy. |
| Fuchs. | Nicholson. |
| Gates. | Petsch. |
| Graves | Shaver. |
| of Williamson. | Shipman. |
| Graves of Erath. | Simmons. |
| Keeton. | Snelgrove. |
| Kincaid. | Stevenson. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | Wallace. |
| Harrison. | White. |
| Land. | Williams |
| Ray. | of Hardin. |

SENATE BILL NO. 479 ON SECOND READING.

On motion of Mr. Purl, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 479, A bill to be entitled "An Act to amend Article 5053, Revised Statutes of 1925, relating to discrimination and other practices in connection with the sale of life insurance policies, so as to better regulate the sale of stocks, bonds and other securities in connection with life insurance policies, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Pope of Nueces offered the following amendment to the bill:

Amend Senate bill No. 479 by striking out the words "December 31, 1930," in line 1, page 3, of printed bill, and insert in lieu thereof the following, "March 1st, 1931."

The amendment was adopted.

Senate bill No. 479 was then passed to third reading.

SENATE BILL NO. 479 ON THIRD READING.

Mr. Purl moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 479 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

| | |
|-------------------|--------------------|
| Ackerman. | Johnson |
| Adkins. | of Dimmit. |
| Baker. | Johnson of Smith. |
| Barnett. | Johnson of Scurry. |
| Bateman. | Justiss. |
| Brice. | Kayton. |
| Carpenter. | Keeton. |
| Coltrin. | Keller. |
| Cox of Navarro. | Kemble. |
| Cox of Lamar. | Kenyon. |
| Cox of Limestone. | King. |
| Davis. | Kinnear. |
| Duvall. | Lee. |
| Enderby. | Lemens. |
| Ewing. | Long of Houston. |
| Finn. | Long of Wichita. |
| Forbes. | Loy. |
| Gilbert. | Mankin. |
| Graves | Martin. |
| of Williamson. | Mauritz. |
| Hardy. | Maynard. |
| Harman. | McCombs. |
| Harper. | McDonald. |
| Hefley. | McGill. |
| Hines. | Mehl. |
| Hogg. | Montgomery. |
| Holder. | Moore. |
| Hopkins. | Morse. |
| Hornaday. | Mosely. |
| Hubbard. | Mullally. |
| Jenkins. | Murphy. |

| | |
|-----------------|------------|
| Nicholson. | Speck. |
| Olsen. | Stevenson. |
| O'Neill. | Strong. |
| Palmer. | Tarwater. |
| Patterson. | Thurmond. |
| Pool. | Tillotson. |
| Pope of Jones. | Turner. |
| Pope of Nueces. | Van Zandt. |
| Prendergast. | Veatch. |
| Purl. | Wallace. |
| Renfro. | Walters. |
| Richardson. | Warwick. |
| Rogers. | Webb. |
| Rountree. | Westbrook. |
| Sanders. | Wiggs. |
| Savage. | Williams |
| Shaver. | of Sabine. |
| Shelton. | Williams |
| Sherrill. | of Travis. |
| Simmons. | Woodall. |
| Sinks. | Woodruff. |
| Smith. | |

Nays—12.

| | |
|------------|----------|
| Albritton. | Gerron. |
| Bond. | Heaton. |
| Bounds. | Kennedy. |
| Bradley. | McKean. |
| Brooks. | Pavlica. |
| Chastain. | Storey. |

Absent.

| | |
|------------------|------------|
| Acker. | Jones. |
| Anderson. | Kincaid. |
| Baldwin. | Metcalf. |
| Beck. | Negley. |
| Conway. | Petsch. |
| DeWolfe. | Quinn. |
| Dunlap. | Reader. |
| Eickenroht. | Reid. |
| Finlay. | Shipman. |
| Fuchs. | Snelgrove. |
| Gates. | Stephens. |
| Giles. | Thompson. |
| Graves of Erath. | Waddell. |
| Harding. | Young. |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Ray. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |

The Speaker then laid Senate bill No. 479 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—100.

| | |
|------------|-----------------|
| Ackerman. | Carpenter. |
| Adkins. | Coltrin. |
| Albritton. | Conway. |
| Baker. | Cox of Navarro. |
| Bateman. | Cox of Lamar. |

| | |
|-------------------|----------------|
| Cox of Limestone. | Montgomery. |
| Davis. | Moore. |
| Duvall. | Morse. |
| Enderby. | Mullally. |
| Ewing. | Murphy. |
| Finn. | Negley. |
| Forbes. | Nicholson. |
| Fuchs. | Olsen. |
| Gilbert. | O'Neill. |
| Graves | Palmer. |
| of Williamson. | Patterson. |
| Hardy. | Petsch. |
| Harding. | Pool. |
| Harman. | Pope of Jones. |
| Harper. | Purl. |
| Hefley. | Renfro. |
| Hines. | Richardson. |
| Hogg. | Rogers. |
| Holder. | Sanders. |
| Hopkins. | Savage. |
| Hornaday. | Shaver. |
| Hubbard. | Shelton. |
| Jenkins. | Sherrill. |
| Johnson | Simmons. |
| of Dimmit. | Sinks. |
| Johnson of Smith. | Smith. |
| Justiss. | Speck. |
| Kayton. | Stevenson. |
| Keeton. | Strong. |
| Keller. | Tarwater. |
| Kemble. | Thompson. |
| Kenyon. | Thurmond. |
| Kinnear. | Tillotson. |
| Lee. | Turner. |
| Lemens. | Van Zandt. |
| Long of Houston. | Veatch. |
| Long of Wichita. | Wallace. |
| Loy. | Walters. |
| Mankin. | Warwick. |
| Martin. | Webb. |
| Mauritz. | Westbrook. |
| Maynard. | Williams |
| McCombs. | of Sabine. |
| McDonald. | Williams |
| McGill. | of Travis. |
| Mehl. | Woodall. |
| Minor. | Woodruff. |

Nays—16.

| | |
|-----------|--------------------|
| Barnett. | Heaton. |
| Bond. | Johnson of Scurry. |
| Bounds. | Kennedy. |
| Bradley. | McKean. |
| Brice. | Mosely. |
| Brooks. | Pavlica. |
| Chastain. | Stephens. |
| Gerron. | Storey. |

Present—Not Voting.

Wiggs.

Absent.

| | |
|-----------|-------------|
| Acker. | DeWolfe. |
| Anderson. | Dunlap. |
| Baldwin. | Eickenroht. |
| Beck. | Finlay. |

| | |
|------------------|------------|
| Gates. | Quinn. |
| Giles. | Reader. |
| Graves of Erath. | Reid. |
| Jones. | Rountree. |
| Kincaid. | Shipman. |
| King. | Snelgrove. |
| Metcalfe. | Waddell. |
| Pope of Nueces. | Young. |
| Prendergast. | |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Ray. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |

SENATE BILL NO. 448 ON THIRD READING.

On motion of Mr. Hornaday, the regular order of business was suspended to take up and have placed on its third reading and final passage,

S. B. No. 448, A bill to be entitled "An Act to provide more adequate compensation for county judges in counties which have voted road and bridge bonds amounting to \$6,000,000 or more, and in addition flood protection bonds amounting to \$1,000,000 or more, and providing for the employment of a stenographer for such judges, and declaring an emergency."

The Speaker laid the bill before the House, it was read third time and was passed by the following vote:

Yeas—109

| | |
|-------------------|--------------------|
| Acker. | Harman. |
| Adkins. | Harper. |
| Albritton. | Heaton. |
| Barnett. | Hefley. |
| Beck. | Hines. |
| Bounds. | Hogg. |
| Bradley. | Holder. |
| Brooks. | Hopkins. |
| Carpenter. | Hornaday. |
| Chastain. | Hubbard. |
| Coltrin. | Johnson of Smith. |
| Conway. | Johnson of Scurry. |
| Cox of Navarro. | Jones. |
| Cox of Lamar. | Justiss. |
| Cox of Limestone. | Keller. |
| Duvall. | Kemble. |
| Enderby. | Kenyon. |
| Ewing. | Kinnear. |
| Eickenroht. | Long of Houston. |
| Finn. | Long of Wichita. |
| Forbes. | Loy. |
| Fuchs. | Mankin. |
| Gerron. | Martin. |
| Gilbert. | Mauritz. |
| Graves | Maynard. |
| of Williamson. | McCombs. |
| Hardy. | McDonald. |
| Harding. | McGill. |

| | |
|-----------------|------------|
| McKean. | Shelton. |
| Mehl. | Simmons. |
| Metcalfe. | Sinks. |
| Montgomery. | Smith. |
| Moore. | Speck. |
| Morse. | Stevenson. |
| Mullally. | Storey. |
| Murphy. | Strong. |
| Negley. | Tarwater. |
| Nicholson. | Thompson. |
| O'Neill. | Thurmond. |
| Palmer. | Tillotson. |
| Patterson. | Turner. |
| Pavlica. | Van Zandt. |
| Petsch. | Waddell. |
| Pool. | Wallace. |
| Pope of Jones. | Walters. |
| Pope of Nueces. | Warwick. |
| Prendergast. | Webb. |
| Purl. | Westbrook. |
| Quinn. | Wiggs. |
| Reader. | Williams |
| Richardson. | of Sabine. |
| Rountree. | Williams |
| Sanders. | of Travis. |
| Savage. | Woodall. |
| Shaver. | Woodruff. |

Nays—14.

| | |
|-----------|-----------|
| Ackerman. | Lee. |
| Bond. | Mosely. |
| Brice. | Olsen. |
| Davis. | Renfro. |
| Jenkins. | Rogers. |
| Keeton. | Stephens. |
| Kennedy. | Veatch. |

Absent.

| | |
|------------|------------------|
| Anderson. | Graves of Erath. |
| Baker. | Kayton. |
| Baldwin. | Kincaid. |
| Bateman. | King. |
| DeWolfe. | Lemens. |
| Dunlap. | Reid. |
| Finlay. | Sherrill. |
| Gates. | Shipman. |
| Giles. | Snelgrove. |
| Johnson | Young. |
| of Dimmit. | |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Ray. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |

RECALLING HOUSE BILL NO. 313 FROM GOVERNOR.

Mr. Sanders offered the following resolution:

H. C. R. No. 39, Recalling House bill No. 313 from the Governor.

Whereas, House bill No. 313 has been finally passed by the House and the

Senate and is now on the desk of the Governor; and

Whereas, Through an error in the Free Conference report which was adopted by both houses, which conflicts with the present law on the subject; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor be requested to return said House bill No. 313 to the House for further consideration.

The resolution was read second time and was adopted.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 560, 'An Act amending Chapter 135 of the Acts of the Thirty-ninth Legislature, Regular Session, being Senate bill No. 35, relating to the salaries of county commissioners of Jasper County, and declaring an emergency.'

S. B. No. 222, "An Act to amend Chapter 5, Title 14, Revised Criminal Statutes of Texas of 1925, relating to weights and measures, by amending Article 1037 and adding Article 1037a, defining certain terms, and declaring an emergency."

S. B. No. 549, "An Act creating a more efficient road system for Zapata County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court, etc., and declaring an emergency."

S. B. No. 314, "An Act to provide for the location, establishment and maintenance of an institution for the treatment of persons suffering from cancer or pellagra, and to provide for the care and treatment of indigent persons suffering from cancer or pellagra, and defining the conditions of admission thereto; and provide for the scientific study of cancer and pellagra; and creating a commission to establish and control said institution, and defining the duties of certain officers in respect to said institution; and make appropriation therefor, and declaring an emergency."

H. J. R. No. 7, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; pro-

viding for its submission to the voters of the State of Texas as required by the Constitution and making appropriation therefor.

SENATE BILL NO. 511 ON SECOND READING.

On motion of Mr. Van Zandt, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 511, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the Fifth Senatorial District of Texas, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time and was passed to third reading.

SENATE BILL NO. 511 ON THIRD READING.

Mr. Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 511 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

| | |
|-------------------|--------------------|
| Ackerman. | Heaton. |
| Adkins. | Hines. |
| Albritton. | Hogg. |
| Baldwin. | Holder. |
| Barnett. | Hopkins. |
| Bateman. | Hornaday. |
| Bounds. | Hubbard. |
| Bradley. | Johnson |
| Carpenter. | of Dimmit. |
| Chastain. | Johnson of Smith. |
| Coltrin. | Johnson of Scurry. |
| Conway. | Jones. |
| Cox of Navarro. | Justiss. |
| Cox of Lamar. | Kayton. |
| Cox of Limestone. | Keeton. |
| Davis. | Keller. |
| Dunlap. | Kemble. |
| Duvall. | Kinnear. |
| Enderby. | Lee. |
| Ewing. | Lemens. |
| Eickenroht. | Long of Houston. |
| Finn. | Loy. |
| Fuchs. | Mankin. |
| Gerron. | Mauritz. |
| Gilbert. | Maynard. |
| Giles. | McCombs. |
| Graves | McDonald. |
| of Williamson. | McGill. |
| Grave: of Erath. | Mehl. |
| Hardy. | Montgomery. |
| Harding. | Morse. |
| Harman. | Mosely. |
| Harper. | Mullally. |

| | |
|-----------------|------------|
| Murphy. | Simmons. |
| Negley. | Smith. |
| Nicholson. | Speck. |
| Olsen. | Stevenson. |
| O'Neill. | Storey. |
| Palmer. | Tarwater. |
| Patterson. | Thompson. |
| Petsch. | Turner. |
| Pool. | Van Zandt. |
| Pope of Jones. | Walters. |
| Pope of Nueces. | Warwick. |
| Purl. | Webb. |
| Quinn. | Westbrook. |
| Reader. | Williams |
| Richardson. | of Sabine. |
| Rountree. | Williams |
| Sanders. | of Travis. |
| Shaver. | Woodall. |
| Shelton. | |

Nays—17.

| | |
|----------|-----------|
| Bond. | Renfro. |
| Brice. | Rogers. |
| Forbes. | Sherrill. |
| Hefley. | Sinks. |
| Jenkins. | Stephens. |
| Kennedy. | Strong. |
| King. | Veatch. |
| Moore. | Waddell. |
| | Young. |

Present—Not Voting.

Wiggs.

Absent.

| | |
|------------------|--------------|
| Acker. | McKean. |
| Anderson. | Metcalfe. |
| Baker. | Pavlica. |
| Beck. | Prendergast. |
| Brooks. | Reid. |
| DeWolfe. | Savage. |
| Finlay. | Shipman. |
| Gates. | Snelgrove. |
| Kenyon. | Thurmond. |
| Kincaid. | Tillotson. |
| Long of Wichita. | Woodruff. |
| Martin. | |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Wallace. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then laid Senate bill No. 511 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—93.

| | |
|------------|----------|
| Ackerman. | Barnett. |
| Adkins. | Bateman. |
| Albritton. | Beck. |
| Baldwin. | Bounds. |

| | |
|--------------------|-----------------|
| Bradley. | McDonald. |
| Carpenter. | McGill. |
| Chastain. | Mehl. |
| Coltrin. | Montgomery. |
| Conway. | Morse. |
| Cox of Navarro. | Mullally. |
| Cox of Lamar. | Negley. |
| Cox of Limestone. | Nicholson. |
| Davis. | Olsen. |
| Dunlap. | O'Neill. |
| Duvall. | Palmer. |
| Enderby. | Patterson. |
| Ewing. | Petsch. |
| Eickenroht. | Pool. |
| Finn. | Pope of Jones. |
| Gerron. | Pope of Nueces. |
| Gilbert. | Purl. |
| Giles. | Quinn. |
| Harding. | Reader. |
| Harman. | Richardson. |
| Harper. | Rountree. |
| Hines. | Sanders. |
| Hogg. | Shaver. |
| Holder. | Shelton. |
| Hornaday. | Simmons. |
| Hubbard. | Smith. |
| Johnson | Speck. |
| of Dimmit. | Stevenson. |
| Johnson of Smith. | Storey. |
| Johnson of Scurry. | Tarwater. |
| Jones. | Thompson. |
| Justiss. | Thurmond. |
| Kayton. | Tillotson. |
| Keeton. | Turner. |
| Keller. | Van Zandt. |
| Kemble. | Waddell. |
| Kinnear. | Walters. |
| Lee. | Warwick. |
| Lemens. | Webb. |
| Long of Houston. | Westbrook. |
| Loy. | Williams |
| Mankin. | of Sabine. |
| Mauritz. | Williams |
| Maynard. | of Travis. |
| McCombs. | Woodall. |

Nays—17.

| | |
|----------|------------------|
| Acker. | Long of Wichita. |
| Bond. | Moore. |
| Brice. | Rogers. |
| Forbes. | Sherrill. |
| Fuchs. | Sinks. |
| Heaton. | Stephens. |
| Hefley. | Strong. |
| Jenkins. | Veatch. |
| Kennedy. | |

Present—Not Voting.

Prendergast. Wiggs.

Absent.

| | |
|-----------|----------------|
| Anderson. | Finlay. |
| Baker. | Gates. |
| Brooks. | Graves |
| DeWolfe. | of Williamson. |

Graves of Erath. Murphy.
Hardy. Pavlica.
Hopkins. Reid.
Kenyon. Renfro.
Kincaid. Savage.
King. Shipman.
Martin. Snelgrove.
McKean. Woodruff.
Metcalf. Young.
Mosely.

Absent—Excused.

Mr. Speaker. Ray.
Avis. Wallace.
Harrison. White.
Land. Williams of Hardin.

CONFERENCE COMMITTEE AP- POINTED ON SENATE BILL NO. 126.

The Speaker announced the appointment of the following Conference Committee on Senate bill No. 126:

Messrs. Purl, Hornaday, Long of Wichita, Graves of Williamson and Mrs. Moore.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 596, A bill to be entitled "An Act increasing the compensation of certain county attorneys in counties having no district attorney," with engrossed rider.

S. B. No. 613, A bill to be entitled "An Act amending an act approved on February 11, 1929, creating the 109th Judicial District, same being Senate bill No. 9."

The Senate grants the request of the House for the appointment of another free conference committee to consider further the differences on Senate bill No. 126. The following are appointed on the part of the Senate:

Senators Moore, Beck, Love, Woodward and Hornsby.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

SENATE BILL NO. 570 ON SECOND READING.

On motion of Mr. Mehl, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 570, A bill to be entitled "An Act providing for the preservation of the Old San Antonio Road running through the State of Texas from Pendleton on the Sabine to Presidio in West Texas, etc., and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Sanders offered the following (committee) amendment to the bill:

Amend Senate bill No. 570, Section 1, by striking out, beginning after the word "the" in line 4, in Section 1, the following words, "cardinal highways of this State and the State Highway Commission shall preserve it as herein described and maintain the same out of State highway funds," and insert in lieu thereof the following, "historic roads of Texas and the State Highway Commission shall provide for the preservation and identification of such road by proper marks and provide for maintenance of the road from State road maintenance fund. The counties through which such historic road passes shall provide a right of way of 100 feet in width."

The amendment was adopted.

Senate bill No. 570 was then passed to third reading.

Mr. Hogg moved a call of the House for the purpose of maintaining a quorum pending consideration of the bill until 6 o'clock p. m. today, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—77.

| | |
|-------------------|--------------------|
| Ackerman. | Graves |
| Albritton. | of Williamson. |
| Baldwin. | Harper. |
| Barnett. | Hogg. |
| Beck. | Holder. |
| Bond. | Hopkins. |
| Bradley. | Hornaday. |
| Carpenter. | Hubbard. |
| Chastain. | Johnson |
| Coltrin. | of Dimmit. |
| Conway. | Johnson of Smith. |
| Cox of Lamar. | Johnson of Scurry. |
| Cox of Limestone. | Jones. |
| Dunlap. | Justiss. |
| Duvall. | Keeton. |
| Enderby. | Keller. |
| Ewing. | Kinnear. |
| Finn. | Long of Houston. |
| Forbes. | Loy. |
| Fuchs. | Mauritz. |
| Giles. | Maynard. |

| | |
|-------------|------------|
| McCombs. | Savage. |
| McDonald. | Shaver. |
| McGill. | Simmons. |
| Mehl. | Smith. |
| Montgomery. | Strong. |
| Moore. | Tarwater. |
| Morse. | Thompson. |
| Mullally. | Van Zandt. |
| Murphy. | Veatch. |
| Negley. | Waddell. |
| O'Neill. | Wallace. |
| Palmer. | Walters. |
| Petsch. | Warwick. |
| Purl. | Westbrook. |
| Quinn. | Williams |
| Reader. | of Sabine. |
| Richardson. | Williams |
| Rogers. | of Travis. |
| Sanders. | Young. |

Nays—30.

| | |
|-------------|------------|
| Acker. | McKean. |
| Bateman. | Olsen. |
| Bounds. | Patterson. |
| Brice. | Paylica. |
| Eickenroht. | Reid. |
| Gerron. | Renfro. |
| Gilbert. | Rountree. |
| Hardy. | Sherrill. |
| Harding. | Sinks. |
| Hefley. | Stephens. |
| Hines. | Stevenson. |
| Kayton. | Storey. |
| Kemble. | Thurmond. |
| King. | Tillotson. |
| Mankin. | Woodruff. |

Absent.

| | |
|------------------|------------------|
| Adkins. | Long of Wichita. |
| Anderson. | Martin. |
| Baker. | Metcalfe. |
| Brooks. | Mosely. |
| Cox of Navarro. | Nicholson. |
| Davis. | Pool. |
| DeWolfe. | Pope of Jones. |
| Finlay. | Pope of Nueces. |
| Gates. | Prendergast. |
| Graves of Erath. | Shelton. |
| Harman. | Shipman. |
| Heaton. | Snelgrove. |
| Jenkins. | Speck. |
| Kennedy. | Turner. |
| Kenyon. | Webb. |
| Kincaid. | Wiggs. |
| Lee. | Woodall. |
| Lemens. | |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Ray. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |

The Speaker then directed the Door-keeper to close the main entrance to the

Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Senate bill No. 570 was then passed to third reading.

SENATE BILL NO. 570 ON THIRD READING.

Mr. Mehl moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 570 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113.

| | |
|--------------------|------------------|
| Acker. | Kayton. |
| Ackerman. | Keller. |
| Albritton. | Kemble. |
| Baldwin. | Kennedy. |
| Barnett. | Kenyon. |
| Bateman. | King. |
| Beck. | Kinnear. |
| Bond. | Lee. |
| Bradley. | Lemens. |
| Brooks. | Long of Houston. |
| Carpenter. | Mankin. |
| Chastain. | Martin. |
| Coltrin. | Mauritz. |
| Conway. | Maynard. |
| Cox of Navarro. | McCombs. |
| Cox of Lamar. | McDonald. |
| Cox of Limestone. | McGill. |
| Davis. | McKean. |
| Dunlap. | Mehl. |
| Duvall. | Metcalfe. |
| Enderby. | Minor. |
| Ewing. | Montgomery. |
| Finn. | Moore. |
| Forbes. | Morse. |
| Fuchs. | Mosely. |
| Gerron. | Mullally. |
| Gilbert. | Murphy. |
| Giles. | Negley. |
| Graves | Nicholson. |
| of Williamson. | Olsen. |
| Hardy. | Palmer. |
| Harding. | Pavlica. |
| Harman. | Petsch. |
| Harper. | Pool. |
| Heaton. | Pope of Jones. |
| Hefley. | Pope of Nueces. |
| Hines. | Prendergast. |
| Hogg. | Purl. |
| Holder. | Quinn. |
| Hopkins. | Reader. |
| Hubbard. | Reid. |
| Johnson of Smith. | Renfro. |
| Johnson of Scurry. | Richardson. |
| Jones. | Rogers. |
| Justiss. | Rountree. |

Sanders.
Savage.
Shaver.
Shelton.
Sherrill.
Simmons.
Sinks.
Smith.
Speck.
Storey.
Strong.
Thompson.
Thurmond.
Tillotson.

Turner.
Van Zandt.
Wallace.
Walters.
Warwick.
Webb.
Westbrook.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.

Nays—2.

Bounds.

Jenkins.

Absent.

Adkins.
Anderson.
Baker.
Brice.
DeWolfe.
Eickenroht.
Finlay.
Gates.
Graves of Erath.
Hornaday.
Johnson
of Dimmit.
Keeton.
Kincaid.

Long of Wichita.
Loy.
O'Neill.
Patterson.
Shipman.
Snelgrove.
Stephens.
Stevenson.
Tarwater.
Veatch.
Waddell.
Wiggs.
Young.

Absent—Excused.

Mr. Speaker.
Avis.
Harrison.
Land.

Ray.
White.
Williams
of Hardin.

The Speaker then laid Senate bill No. 570 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—115.

Acker.
Ackerman.
Albritton.
Baldwin.
Barnett.
Bateman.
Beck.
Bond.
Bradley.
Brooks.
Carpenter.
Chastain.
Conway.
Cox of Navarro.
Cox of Lamar.
Cox of Limestone.
Davis.
DeWolfe.

Dunlap.
Duvall.
Enderby.
Ewing.
Finn.
Forbes.
Fuchs.
Gerron.
Giles.
Graves
of Williamson.
Hardy.
Harding.
Harman.
Harper.
Heaton.
Hefley.
Hines.

Hogg.
Holder.
Hopkins.
Hornaday.
Hubbard.
Johnson
of Dimmit.
Johnson of Smith.
Johnson of Scurry.
Justiss.
Kayton.
Keller.
Kemble.
Kennedy.
Kenyon.
Kinnear.
Lee.
Lemens.
Long of Houston.
Mankin.
Martin.
Mauritz.
Maynard.
McDonald.
McGill.
McKean.
Mehl.
Metcalf.
Minor.
Montgomery.
Moore.
Morse.
Mosely.
Mullally.
Murphy.
Negley.
Nicholson.
Olsen.
O'Neill.
Palmer.
Patterson.

Pavlica.
Petsch.
Pool.
Pope of Jones.
Pope of Nueces.
Purl.
Quinn.
Reader.
Reid.
Renfro.
Richardson.
Rogers.
Rountree.
Sanders.
Savage.
Shaver.
Shelton.
Simmons.
Sinks.
Smith.
Speck.
Storey.
Strong.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Turner.
Van Zandt.
Veatch.
Waddell.
Walters.
Warwick.
Webb.
Westbrook.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.

Nays—6.

Bounds.
Brice.
Coltrin.

Gilbert.
Jenkins.
McCombs.

Present—Not Voting.

Jones.

Absent.

Adkins.
Anderson.
Baker.
Eickenroht.
Finlay.
Gates.
Graves of Erath.
Keeton.
Kincaid.
King.

Long of Wichita.
Loy.
Prendergast.
Sherrill.
Shipman.
Snelgrove.
Stephens.
Stevenson.
Wiggs.
Ycung.

Absent—Excused.

Mr. Speaker.
Avis.

Harrison.
Land.

Ray.
Wallace.

White.
Williams of Hardin.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 11, 1929.

Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed the following:

H. C. R. No. 39, Recalling House bill
No. 313 from the Governor's office for
further consideration.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

SENATE JOINT RESOLUTION NO. 10 ON FINAL PASSAGE.

Mr. Keller called up, for considera-
tion at this time, the motion to recon-
sider the vote by which Senate joint
resolution No. 10 failed on last Friday
to pass, notice having been duly given
that said motion to reconsider would
be called up at this time.

Mr. Tillotson raised the following
points of order on further consideration
of the motion at this time:

(1)

Mr. Speaker: I raise the point of
order against the further consideration
of Senate joint resolution No. 10, that
it may not be taken up at this time be-
cause the motion to reconsider and
spread upon the Journal was not acted
upon in accordance with the rules. Resolutions are held to be a form of bill and come within the constitutional power of the Legislature to prescribe rules to govern their parliamentary procedure to initiate, consider and submit to the people. Rule 18 of the House Legislative Manual of the Fortieth Legislature says all amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings on bills.

Subdivision 1 of Rule 15 of the House Manual of the Fortieth Legislature says: "When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the

next sitting day, before the order of the day is taken up."

The motion to reconsider and spread upon the Journal cannot be held to have been made by the prevailing side inasmuch as the mover of the motion, Mr. Keller of Dallas, is recorded on that day as voting against the submission of the resolution. The motion should not now be entertained for this reason.

Under "Reconsideration," on page 188 of the House Manual for the Fortieth Legislature, it is stated that when any motion has been carried or lost, any member who voted with the prevailing side may on that day or the next sitting day before the order of the day is taken up, move to reconsider the vote by which the proposition was carried or lost. The mover of the motion to reconsider and spread on the Journal voted against the submission of the resolution and was not entitled to make such motion. Neither was he entitled under the authority just read from page 188 of the Manual to give notice that the resolution would be called up. The effort to keep the resolution before the House by such motion to reconsider and spread upon the Journal, and the notice of purpose to call up, not having been made in accordance with the rule, is ineffective to accomplish the purpose intended and the resolution may not now be considered.

(2)

I raise the further point of order that this resolution in its present form is in the nature of an amendment to the original Senate joint resolution No. 10. That it is considered an amendment under the rules of the House, I refer to the fact that in the parliamentary procedure of the House, as determined by the published rules, it is recognized that the parliamentary motion called a substitute is in reality an "amendment." There is no rule, subdivision of a rule, or paragraph devoted to "substitutes"; and in the index to the Rules of the House, page 349 of the Fortieth Manual, "substitute" is defined by the explanation "see amendment," which indicates conclusively the status of substitutes being in fact amendments.

On page 189, in the latter part of paragraph 1, it is distinctly declared that

"If a motion to reconsider is not dis-

posed of when made upon an amendment, it is regarded as determined and and lost upon the final vote upon the main question."

On page 171 of the House Manual for the Fortieth Legislature is indicated the manner of substituting new matter for a bill or resolution, and there declared an amendment to the original proposition.

This motion to reconsider and spread on the Journal was made upon March 8, 1929. It was not disposed of when made, as the rules quoted require as to action upon amendments to an original proposition, and I submit that the vote by which the amended resolution failed to secure the necessary two-thirds vote on that day determined the question, and that the amendment to Senate joint resolution No. 10 was lost by the vote thereupon, and that it is not in order to take it up for consideration at this time.

(3)

Mr. Speaker: I raise a point of order that joint resolutions are recognized as forms of bills and may not be placed on the calendar for voting upon after a vote has been taken upon third reading and final passage, on which third reading the resolution received less than the required two-thirds vote of all elected members, as provided in the Constitution.

Article 17 of the Constitution provides that changes in the Constitution may be submitted to the qualified voters by two-thirds of all members elected, such vote to be entered in the Journal of the two houses. It stops at that; and the absence of any further provision in this article of the Constitution leaves to the Legislature all authority to initiate proposals for changes in the Constitution and to determine the form, manner and time of submission of amendments to the voters.

Article 3 of the Constitution deals with the legislative department of the State government and provides in Section 30 that "No law should be passed except by bill"; and in Section 11 of the same article provides that "each house may determine the rules of its own proceedings."

In Section 34 of Article 3 it is declared that after a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into law

during the same session. After a resolution has been acted on and defeated, no resolution containing the substance shall be considered at the same session.

It, therefore, becomes of very material importance to determine when a bill or a resolution has been defeated. This, under the constitutional provision set forth, is exclusively a matter to be determined by rules which the House is empowered to establish for its guidance in the enactment of proposed laws.

Rule 19 of the House Manual of the Fortieth Legislature provides the general characteristics and parliamentary procedure of bills, which is that a proposal to be enacted into law shall be read on three several days and voted upon twice. First, upon engrossment; and second, upon third reading and final passage.

Rule 18 of the same Manual provides that "all amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills." It has been held, however, that an amendment to the Constitution might even be proposed in the form of a bill, which further identifies the parliamentary consideration of changes in the Constitution with the procedure controlling action upon bills.

The parliamentary life of a bill is recognized as extending through the course of three readings, as these readings are determined by the rules; and the Constitution, Section 4 of Article 3, declares that "after a bill has been considered and defeated, no bill or resolution containing the same substance shall be considered at the same session." The failure of a joint resolution on third reading to receive the necessary two-thirds vote required by the Constitution constitutes the failure of the resolution to be submitted, just as much as the failure of a bill to receive a majority vote constitutes a failure of the passage of the bill.

In Volume 31, Opinions of the Attorney General, will be found an opinion maintaining that appropriations cannot be made by a joint resolution unless it takes the regular course of a bill, including enacting clause, etc., which opinion distinctly reinforces the proposition that joint resolutions are, and must be legally recognized, only as a special kind of bills; and in support of which opinion, reference may be made to Rule

18 of the House Manual of the Fortieth Legislature.

The House calendar, under Rule 12 of the Manual for the Fortieth Legislature does not provide for the continuous presentation of joint resolutions after their third reading, and the vote upon such resolution at any additional reading, as well as the presentation of any joint resolution on the calendar, will be contrary to the rules. There can be no relation between simple House resolutions and concurrent resolutions that lie over from the previous day, and joint resolutions which propose amendments to the Constitution, which joint resolutions are distinctly in the class of bills and must follow the parliamentary procedure of bills, with all limitations prescribed in the rules for their appearance upon the calendar, the number of times they may be voted upon, and their defeat by failure to receive the two-thirds vote, just as a bill fails for lack of a majority vote.

Equally out of order would be any effort to take up during a suspension calendar a joint resolution for a fourth time. No such recognition is accorded under the rules, nor is such action permitted by any provision to be found in the Constitution.

The question may well be asked as to when a joint resolution is defeated, as shown in parliamentary practice and history of the House. We may trace the record of the last ten sessions of the Texas Legislature for the answer: Few resolutions going to third reading, none to a fourth.

An opinion of the Attorney General, Hon. B. F. Looney, written some years ago and generally supposed to have been prepared to meet an exceptional political exigency, must be considered at variance with all interpretation of the Rules of the House, as reflected in the continuous parliamentary procedure of this body, and may not be recognized to determine the procedure of the House in the consideration of the pending Senate joint resolution No. 10 in the attempt to hold it continuously before the House for a vote from day to day until the Regular Session shall adjourn.

Not only have the legislative bodies of the States of the Union followed the general course of parliamentary procedure pursued in Texas in considering and submitting amendments to their respective Constitutions, but it is also true that the courts of the different States have been uniform in their action in taking judicial notice of the parlia-

mentary procedure of the different States have been undertaken. This uniformity of judicial consideration is well expressed in the conclusion that while a State is free to determine the manner and form in which amendments to the Constitution are to be proposed, once the parliamentary procedure is set up and consistently recognized in the legislative policy of the State, the Legislature will be held to a rigid adherence to such procedure. The courts have uniformly taken cognizance of deviations from such parliamentary procedure in the submission of amendments to the Constitution, and have very generally declared ineffective those proposed amendments submitted through methods and procedures not conforming to that provided and recognized for the purpose.

The Legislature of Texas, with full authority under the Constitution to do so, has provided a parliamentary procedure for submitting constitutional amendments to the voters. Such procedure does not provide in the established rules any recognition of the continuous voting after a third reading upon joint resolutions proposing changes in the Constitution, such as is sought to be practiced in connection with the consideration of Senate joint resolution No. 10, and that resolution is before the House without warrant and should not be given further consideration. Never in the history of the State has recognition been accorded bills, or joint resolutions, in the course of their enactment into law or their submission than it is here attempted to accord this joint resolution. The resolution is a form of bill, and as bills die when read a third time and fail of the necessary vote required by the rules and the Constitution, so do joint resolutions die when they fail to receive the necessary vote required by the Constitution.

Cooley's Constitutional Limitations, Volume 1, after declaring that "the power to amend their Constitution resides in the great body of the people as an organized body politic," and goes on to say that "the will of the people to this end can only be expressed either by such method as shall be prescribed by the Constitution whose amendment is sought, or by any act of the legislative department of the State, which alone would be authorized to speak for the people upon this subject, and to point a mode for the expression of their will in the absence of any provision for an

amendment or revision contained in the Constitution itself."

This declaration of the authority of Legislatures to provide the method of submitting proposed amendments to the Constitution supports the contention here made that joint resolutions are not constitutional methods for proposing changes in the Constitution, since the Constitution of Texas is silent upon the subject; but that the joint resolution is a parliamentary creation of the Legislature which has, in the ordinary discharge of its authorized functions, designated this form of measure merely for distinguishing purposes, as the method through which it will consider and submit proposals for changes in the Constitution of the State. It is recognized under the Constitution to have this power and it exercises that power by providing in the rules for procedure that these joint resolutions shall take the course of and be considered a form of bill.

That the exercise of this power by the Legislatures is guarded with considerable care is indicated by the fact that a long line of decisions may be cited in support of the declaration that "in the absence of some other exclusive method of determination, provided by the Constitution, whether an amendment has been legally proposed and adopted is a question for the courts." *Hammond vs. Clark*, 136 Ga. 313.

In the opinion of the Honorable Attorney General, presented to the Speaker of the House on February 13, 1917, it is declared that Article 17, relating to the manner in which the Constitution is to be amended, is independent of any other part of the Constitution and provides a complete procedure. It is true that this article alone authorizes the submission of an amendment to the Constitution, but it may not be argued that this provision of the Constitution presents a "complete procedure." That function is devolved upon the Legislature as the representative of the people to determine the manner and form of the proposed amendments, and must be construed under the provision of Article 3 of the Constitution and Article 4 to vest in the Legislature the power to determine the parliamentary procedure by which all legislation, including proposed amendments to the Constitution, shall be considered and acted upon.

The evident purpose of the opinion of the Honorable Attorney General to the Speaker of the House, which opinion is relied upon to authorize the voting upon the resolution a fourth time, was to

establish the contention that the proposed amendment to the Constitution, then pending, did not require the approval of the Governor of the State for submission to the people; and that this fact was adequate to remove joint resolutions from the classification of bills, as provided and contemplated in Articles 3 and 4 of the Constitution. And from this premise, to argue that the ordinary rules of procedure relating to bills could not be applied to proposals for amending the Constitution, and that these might be voted upon as often as desired until the necessary two-thirds vote should be secured or the Legislature should adjourn.

This contention, I submit, may not be maintained as expressed in the language of Cooley's Constitutional Limitations, the Legislature is the representative agent of the people for the submission of changes in the organic law, and it cannot be held a denial of any right of the people for the Legislature to determine the manner and form of parliamentary procedure in preparing proposals for changes in the Constitution. Whether a joint resolution shall be voted upon once, twice, or three times, is not material to the purpose of Article 17, which merely declares an authority to the Legislature and an express limitation, and leaves to the Legislature, under other provisions of the Constitution dealing with legislative powers and duties, to determine how the authority granted shall be exercised. I submit that when the Legislature, in the exercise of the power and under the direction of Articles 3 and 4, provide the course of bills, and provide in their rules that joint resolutions are merely a form of bills, given a distinct descriptive designation, that joint resolutions take the course of bills and must be recognized to be submitted or defeated in accordance with the rules provided. Senate joint resolution No. 10 has been voted upon in the House twice, and has twice failed to receive the vote the rules prescribe, as authorized by the Constitution, and that the resolution may not now be held in order and voted upon again at this time.

The Speaker overruled the points of order, as follows:

Speaker's Ruling on Point of Order No. 1.

The Speaker overruled the point of order upon the following grounds:

(1) On the day that Senate joint resolution No. 10 was called up on third reading (Friday, March 8th) and

failed to receive the necessary one hundred votes, Mr. Keller, of Dallas county, moved to reconsider the vote by which said joint resolution failed to receive the necessary one hundred votes, and to spread upon the Journal. On the following day (Saturday), Mr. Keller gave notice that he would call up his motion to reconsider on the following Monday, March 11th. This was the correct procedure under the House Rules relating to motions to reconsider.

(2) The further contention was made by said point of order that Mr. Keller, who cast a negative vote on Senate joint resolution No. 10, could not make the motion to reconsider, upon the ground that he did not vote with the prevailing side. The resolution having failed to receive the necessary one hundred votes to secure its passage on third reading, and Mr. Keller having cast a negative vote, he was authorized under the rules to make said motion, having voted with the prevailing side. In the second paragraph, on page 165 of the House Manual, the following language is used: "Where it requires a two-thirds vote to carry a proposition, those who voted in the negative, if the proposition fails to receive the necessary two-thirds vote, are the only ones who can make a motion to reconsider it." Such is the well recognized and well established rule relative to motions to reconsider.

Speaker's Ruling on Point of Order No. 2.

The Speaker overruled the point of order on the following grounds:

(1) When Senate joint resolution No. 10 was called up on its second reading all committee amendments were first offered and adopted. Mr. Hubbard, of Bowie county, then offered an amendment which struck out all below the resolving clause and substituted in lieu thereof his amendment. Said amendment was adopted. Mr. Hubbard then offered an amendment striking out all above the resolving clause, which constituted the caption, and substituted in lieu thereof his amendment, which constituted a new caption, in conformity with the body of the resolution as amended. The question then recurring on the motion to adopt the resolution as amended, the same was adopted, and the resolution engrossed, whereby the same, as amended, became the original resolution. Such was the status of the resolution when placed upon its third reading, at which time it failed to secure the necessary one hundred votes,

whereupon the motion to reconsider and spread on the Journal was made. The point of order, therefore, is based upon erroneous premise, wherein it seeks to invoke the rules applicable to amendments upon the motion to reconsider.

Speaker's Ruling on Point of Order No. 3.

The Speaker overruled the point of order and as a basis therefor had read in the presence of the House the following opinion from the Attorney General, to wit:

Constitutional Amendments—Duty of Speaker.

1. Article 17 of the Constitution, which authorizes the Legislature to propose amendments to the Constitution to be voted on by the people, is not related or limited by any other provision of the Constitution in regard to legislative procedure.

2. A resolution proposing an amendment to the Constitution is not a bill or a resolution within the contemplation of Section 34 of Article 3 of the Constitution, and is not to be controlled by the ordinary legislative procedure.

3. An amendment to the Constitution may be proposed by either branch of the Legislature at any biennial session and may be voted on successively day after day, and when it receives a vote of two-thirds of all members elected to each house by a yea and nay vote, it may be considered as having passed that house, and there is no provision of the Constitution or laws of this State or applicable rules to prevent such resolution being laid before the House for consideration upon the day after it fails on third reading to receive the vote of two-thirds of the elected members necessary for final passage.

Offices of the Attorney General,
Austin, Texas, March 9, 1929.

Hon. Fred H. Minor, Speaker Pro Tem.,
House of Representatives, Capitol.

Dear Mr. Speaker: I have before me your letter of even date directed to the Attorney General of Texas. I quote from your letter the following language, which expresses and sets out the inquiry submitted by you:

"Senate joint resolution No. 10 is before the House on third reading and requires one hundred votes to secure its final passage. Should the proposed amendment fail to get the necessary one hundred votes upon its third reading, would it be the duty of the Speaker of the House to lay such resolution before

the House on the next succeeding day, as provided for in Joint Rule No. 24, or would its failure to secure the necessary one hundred votes on third reading have the effect of finally killing the same, as in the case of a bill?"

The question, as we understand it, is simply that if the proposed amendment fails to receive one hundred votes on its third reading, will it then be your duty upon the next succeeding day to lay the resolution before the House for consideration?

Joint Rule of the House and Senate No. 24 provides that:

"During the Regular Session of the Fortieth Legislature the President of the Senate and the Speaker of the House of Representatives shall cause to be placed on the calendar of their respective houses for consideration each day after the morning call any and all pending joint resolutions proposing amendments to the Constitution of the State of Texas, and no other bills or resolutions shall be considered on any particular day by consent or otherwise until all such joint resolutions are finally disposed of by the house before which such resolutions are pending."

Under this joint rule it is clearly apparent that it will be your duty to lay Senate joint resolution No. 10 before the House upon the day succeeding the day on which said resolution No. 10 fails to receive the necessary one hundred votes unless you are prevented in some manner by the Constitution or laws of this State or the applicable rules.

It is suggested that Section 34 of Article 3 of the Constitution of Texas will control this resolution and will prevent said resolution being laid upon the table upon the day succeeding its failure to receive upon third reading the one hundred votes necessary for final passage. With this suggestion we are not in accord.

Having under consideration Section 34 of Article 3 of the Constitution with regard to its control or lack of control of a resolution proposing an amendment to the Constitution, Attorney General Looney, in an opinion addressed to the Speaker of the House of Representatives on February 13, 1917, said that this provision of the Constitution (Section 34 of Article 3) related to matters of ordinary legislation, and stated the conclusion that:

"A resolution proposing an amendment to the Constitution is not a bill or a resolution within the contempla-

tion of Section 34 of Article 3, and is not to be controlled by the ordinary legislative procedure."

Attorney General Looney shows that Section 15 of Article 4 of the Constitution, which applies to "every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary except on questions of adjournment," does not apply to joint resolutions proposing amendments to the Constitution. He cites the well-seasoned cases of *Commonwealth ex rel. Elkins vs. Griest*, 196 Pa. 396, and *Hollingsworth vs. Virginia*, 1 L. Ed. 644, and logically concludes that since Section 15 of Article 4, which applies to "every order, resolution or vote," etc., is not applicable to joint resolutions proposing constitutional amendments: neither is Section 34 of Article 3, which refers simply to "resolutions."

It is further suggested that Rule 18 of the House of Representatives will prevent you from laying this joint resolution before the House on the next succeeding day after it fails to receive the necessary one hundred votes upon its third reading. We cannot agree to this contention.

Rule 18 of the House of Representatives reads as follows:

"All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be adopted on any reading after the first when it receives a two-thirds vote of the members-elect of the House (Constitution, Article 17, Section 1). When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions thereto short of the final question."

With regard to control of a joint resolution proposing a constitutional amendment by a rule of the House, Attorney General Looney, in the opinion to which we have above referred, says:

"This does not mean, of course, that the House is without power to promulgate rules for its own procedure, but no rule could be promulgated with reference to the submission of a constitutional amendment as provided in Article 17 that it conflicts therewith. In other words, an amendment to the Constitution may be proposed by either branch of the Legislature at any bien-

nial session; there is no provision that it shall be read on three several days; it may be voted on successively day after day, and when it receives a vote of two-thirds of all members elected to each house by a yea and nay vote it may be considered as having passed that house."

We call particular attention to the language which states that the bill may be voted on "day after day" and, indeed, it has been held by the Congress of the United States that a joint resolution proposing a constitutional amendment passing to engrossment by the vote necessary for final passage has finally passed the House. We call further attention to the language of Rule 18 itself, which states that such joint resolutions shall be adopted "on any reading after the first," clearly indicating that it was contemplated that there might be more than the usual number of readings in the case of joint resolutions proposing amendments to the Constitution of this State.

It is also significant that the House rules in question were enacted and adopted subsequent to the opinion rendered by Attorney General Looney, and hence are presumed to have been enacted and adopted with knowledge of the construction placed upon them by him and in acquiescence therewith in his opinion to the Speaker of the House.

In conformity with the above, and adopting the opinion of Attorney General Looney, we advise you that there exists no provision of the Constitution or laws of this State, or of the applicable rules, which prevents you from laying Senate joint resolution No. 10 before the House for consideration on the next succeeding day after it fails to receive the necessary one hundred votes on its third reading, and under Joint Rule 24 it is your duty so to lay the resolution before the House.

Yours very truly,

PAUL D. PAGE, JR.,

Assistant Attorney General.

The opinion has been considered in conference, approved, and is now ordered recorded.

CLAUDE POLLARD,
Attorney General.

Question recurring on the motion to reconsider, it prevailed.

The Speaker then laid before the House, on its final passage,

S. J. R. No. 10, Proposing to amend Article 3 of the Constitution of the State of Texas by adding to Section 48

thereof a provision authorizing the levying of taxes for highway purposes and by adding to Section 49 of said article a provision enabling the Legislature to provide for the extension of the credit of the State for the purpose of the construction of a system of highways and reimbursing outlays and assuming obligations made by counties and defined road districts of the State therefor.

Mr. Hogg moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate joint resolution No. 10, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—64.

| | |
|--------------------|-------------|
| Acker. | Maynard. |
| Ackerman. | McCombs. |
| Baldwin. | McGill. |
| Barnett. | Mehl. |
| Bateman. | Montgomery. |
| Beck. | Morse. |
| Bradley. | Mullally. |
| Carpenter. | Murphy. |
| Chastain. | Negley. |
| Cox of Navarro. | Nicholson. |
| Cox of Limestone. | O'Neill. |
| Davis. | Palmer. |
| Dunlap. | Patterson. |
| Duvall. | Petsch. |
| Ewing. | Pool. |
| Forbes. | Purl. |
| Fuchs. | Quinn. |
| Graves | Reader. |
| of Williamson. | Sanders. |
| Harper. | Savage. |
| Heaton. | Shaver. |
| Hogg. | Simmons. |
| Holder. | Smith. |
| Hornaday. | Strong. |
| Hubbard. | Thompson. |
| Johnson | Turner. |
| of Dimmit. | Van Zandt. |
| Johnson of Scurry. | Waddell. |
| Justiss. | Wallace. |
| Keeton. | Warwick. |
| Keller. | Westbrook. |
| Long of Houston. | Williams |
| Loy. | of Travis. |
| Mauritz. | |

Nays—50.

| | |
|---------------|-------------|
| Adkins. | Eickenroht. |
| Albritton. | Finn. |
| Bounds. | Gerron. |
| Brice. | Gilbert. |
| Coltrin. | Giles. |
| Conway. | Hardy. |
| Cox of Lamar. | Harding. |
| Enderby. | Hefley. |

| | |
|-------------------|--------------|
| Hines. | Prendergast. |
| Hopkins. | Reid. |
| Jenkins. | Renfro. |
| Johnson of Smith. | Rogers. |
| Jones. | Rountree. |
| Kayton. | Sherrill. |
| Kemble. | Sinks. |
| Kennedy. | Stephens. |
| Kenyon. | Stevenson. |
| King. | Storey. |
| Lee. | Tarwater. |
| Mankin. | Tillotson. |
| McDonald. | Veatch. |
| McKean. | Walters. |
| Metcalfe. | Webb. |
| Mosely. | Williams |
| Olsen. | of Sabine. |
| Pavlica. | Woodall. |
| Pope of Jones. | Woodruff. |
| Pope of Nueces. | |

Absent.

| | |
|------------------|------------------|
| Anderson. | Lemens. |
| Baker. | Long of Wichita. |
| Bond. | Martin. |
| Brooks. | Moore. |
| DeWolfe. | Shelton. |
| Finlay. | Shipman. |
| Gates. | Snelgrove. |
| Graves of Erath. | Speck. |
| Harman. | Thurmond. |
| Kincaid. | Wiggs. |
| Kinnear. | Young. |

Absent—Excused.

| | |
|--------------|-------------|
| Mr. Speaker. | Richardson. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Mauritz offered the following amendment to the resolution:

Amend Senate joint resolution No. 10, paragraph B, of subdivision 4, of Section 49, by substituting a semi-colon for the period following the word "district" and then adding the following, "provided, that all sums paid on and after February 1, 1929, by counties and road districts under agreements with the Highway Department shall be returned in full," and amend by adding at the end of subdivision 5, of Section 1, the following, "not to the State."

Signed—Mauritz, Pope of Nueces, Beck.

Mr. Webb moved the previous question on the pending amendment and the resolution, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—82.

| | |
|-------------------|-------------|
| Acker. | Mauritz. |
| Ackerman. | Maynard. |
| Albritton. | McDonald. |
| Baldwin. | Mehl. |
| Bateman. | Montgomery. |
| Beck. | Moore. |
| Bond. | Morse. |
| Bounds. | Mullally. |
| Bradley. | Murphy. |
| Carpenter. | Negley. |
| Chastain. | Nicholson. |
| Coltrin. | Olsen. |
| Conway. | O'Neill. |
| Cox of Navarro. | Palmer. |
| Cox of Lamar. | Petsch. |
| Cox of Limestone. | Pool. |
| Davis. | Purl. |
| Dunlap. | Quinn. |
| Duvall. | Reader. |
| Ewing. | Richardson. |
| Forbes. | Sanders. |
| Fuchs. | Savage. |
| Gilbert. | Shaver. |
| Giles. | Shelton. |
| Graves | Sherrill. |
| of Williamson. | Simmons. |
| Harper. | Sinks. |
| Hefley. | Speck. |
| Hines. | Storey. |
| Hogg. | Strong. |
| Holder. | Tarwater. |
| Hornaday. | Thompson. |
| Hubbard. | Turner. |
| Johnson | Waddell. |
| of Dimmit. | Walters. |
| Johnson of Smith. | Warwick. |
| Justiss. | Webb. |
| Keeton. | Westbrook. |
| Kenyon. | Williams |
| Kinnear. | of Sabine. |
| Lee. | Williams |
| Lemens. | of Travis. |
| Long of Houston. | Young. |
| Loy. | |

Nays—28.

| | |
|-------------|------------------|
| Brice. | King. |
| Enderby. | Long of Wichita. |
| Eickenroht. | Mankin. |
| Gerron. | McGill. |
| Hardy. | Mosely. |
| Harding. | Patterson. |
| Heaton. | Pavlica. |
| Kemble. | Pope of Jones. |
| Kennedy. | Pope of Nueces. |

| | |
|------------|------------|
| Reid. | Thurmond. |
| Renfro. | Tillotson. |
| Rountree. | Veatch. |
| Smith. | Woodall. |
| Stevenson. | Woodruff. |

Present—Not Voting.

| | |
|--------------------|------------|
| Johnson of Scurry. | Van Zandt. |
| Jones. | Wiggs. |

Absent.

| | |
|------------------|--------------|
| Adkins. | Kayton. |
| Anderson. | Keller. |
| Baker. | Kincaid. |
| Barnett. | Martin. |
| Brooks. | McCombs. |
| DeWolfe. | McKean. |
| Finn. | Metcalf. |
| Finlay. | Prendergast. |
| Gates. | Rogers. |
| Graves of Erath. | Shipman. |
| Harman. | Snelgrove. |
| Hopkins. | Stephens. |
| Jenkins. | |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Wallace. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |
| Ray. | |

Question recurring on the amendment, it was adopted by the following vote:

Yeas—109.

| | |
|-------------------|--------------------|
| Acker. | Harding |
| Ackerman. | Harper. |
| Adkins. | Heaton. |
| Albritton. | Hefley. |
| Baldwin. | Hines. |
| Barnett. | Hogg. |
| Beck. | Holder. |
| Bond. | Hopkins. |
| Bradley. | Hornaday. |
| Brice. | Hubbard. |
| Carpenter. | Jenkins. |
| Chastain. | Johnson |
| Coltrin. | of Dimmit. |
| Conway. | Johnson of Smith. |
| Cox of Navarro. | Johnson of Scurry. |
| Cox of Lamar. | Jones. |
| Cox of Limestone. | Justiss. |
| Davis. | Kayton. |
| Dunlap. | Keeton. |
| Duvall. | Kemble. |
| Enderby. | Kenyon. |
| Ewing. | Kinnear. |
| Finn. | Lee. |
| Forbes. | Lemens. |
| Fuchs. | Long of Houston. |
| Giles. | Loy. |
| Graves | Mankin. |
| of Williamson. | Mauritz. |
| Hardy. | Maynard. |

| | |
|-----------------|------------|
| McCombs. | Sanders. |
| McDonald. | Savage. |
| McGill. | Shaver. |
| Mehl. | Shelton. |
| Montgomery. | Simmons. |
| Moore. | Smith. |
| Morse. | Speck. |
| Mosely. | Stevenson. |
| Mullally. | Strong. |
| Negley. | Tarwater. |
| Nicholson. | Thompson. |
| Olsen. | Thurmond. |
| O'Neill. | Turner. |
| Palmer. | Van Zandt. |
| Patterson. | Waddell. |
| Pavlica. | Wallace. |
| Petsch. | Walters. |
| Pool. | Warwick. |
| Pope of Jones. | Webb. |
| Pope of Nueces. | Westbrook. |
| Prendergast. | Wiggs. |
| Purl. | Williams |
| Quinn. | of Sabine. |
| Reader. | Williams |
| Reid. | of Travis. |
| Richardson. | Woodall. |
| Rogers. | Young. |
| Rountree. | |

Nays—10.

| | |
|----------|------------------|
| Bateman. | Long of Wichita. |
| Bounds. | Murphy. |
| Gerron. | Renfro. |
| Gilbert. | Veatch. |
| King. | Woodruff. |

Present—Not Voting.

Kennedy.

Absent.

| | |
|------------------|------------|
| Anderson. | Martin. |
| Baker. | McKean. |
| Brooks. | Metcalf. |
| DeWolfe. | Sherrill. |
| Eickenroht. | Shipman. |
| Finlay. | Sinks. |
| Gates. | Snelgrove. |
| Graves of Erath. | Stephens. |
| Harman. | Storey. |
| Keller. | Tillotson. |
| Kincaid. | |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Ray. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |

Senate joint resolution No. 10 then failed to pass by the following vote (not receiving the necessary two-thirds vote):

Yeas—97.

| | |
|-----------|------------|
| Acker. | Albritton. |
| Ackerman. | Baldwin. |

| | |
|--------------------|-------------|
| Barnett. | Maynard. |
| Bateman. | McCombs. |
| Beck. | McDonald. |
| Bond. | McKean. |
| Bradley. | Mehl. |
| Carpenter. | Metcalf. |
| Chastain. | Minor. |
| Coltrin. | Montgomery. |
| Conway. | Moore. |
| Cox of Navarro. | Morse. |
| Cox of Lamar. | Mosely. |
| Cox of Limestone. | Mullally. |
| Davis. | Murphy. |
| Dunlap. | Negley. |
| Duvall. | Nicholson. |
| Eickenroht. | O'Neill. |
| Finn. | Palmer. |
| Forbes. | Patterson. |
| Fuchs. | Petsch. |
| Gilbert. | Pool. |
| Graves | Purl. |
| of Williamson. | Quinn. |
| Harman. | Reader. |
| Harper. | Renfro. |
| Heaton. | Richardson. |
| Hefley. | Rogers. |
| Hines. | Sanders. |
| Hogg. | Savage. |
| Holder. | Shaver. |
| Hopkins. | Simmons. |
| Hornaday. | Smith. |
| Hubbard. | Speck. |
| Johnson | Storey. |
| of Dimmit. | Strong. |
| Johnson of Smith. | Tarwater. |
| Johnson of Scurry. | Thompson. |
| Jones. | Turner. |
| Justiss. | Van Zandt. |
| Keeton. | Waddell. |
| Keller. | Wallace. |
| Kemble. | Walters. |
| Kenyon. | Warwick. |
| Kinnear. | Westbrook. |
| Lee. | Williams |
| Lemens. | of Sabine. |
| Long of Houston. | Williams |
| Loy. | of Travis. |
| Martin. | Woodall. |
| Mauritz. | |

Nays—30.

| | |
|------------------|-----------------|
| Adkins. | McGill. |
| Bounds. | Pavlica. |
| Brice. | Pope of Jones. |
| Brooks. | Pope of Nueces. |
| Enderby. | Prendergast. |
| Ewing. | Reid. |
| Gerron. | Rountree. |
| Giles. | Shelton. |
| Hardy. | Sinks. |
| Harding. | Stephens. |
| Jenkins. | Stevenson. |
| Kennedy. | Thurmond. |
| King. | Tillotson. |
| Long of Wichita. | Veatch. |
| Mankin. | Woodruff. |

Present—Not Voting.

| | |
|-----------|------------------|
| Kayton. | Young. |
| Wiggs. | |
| Absent. | |
| Anderson. | Graves of Erath. |
| Baker. | Kincaid. |
| Gates. | Shipman. |

Absent—Excused.

| | |
|--------------|------------|
| Mr. Speaker. | Ray. |
| Avis. | White. |
| Harrison. | Williams |
| Land. | of Hardin. |

Paired.

Mr. Webb (present), who would vote "nay," with Mr. Barron (absent), who would vote "yea."

Mr. Sherrill (present), who would vote "yea," with Mr. Snelgrove (absent), who would vote "nay."

Mr. Olsen (present), who would vote "yea," with Mr. Finlay (absent), who would vote "nay."

Mr. Young (present), who would vote "yea," with Mr. DeWolfe (absent), who would vote "nay."

Mr. Purl called for a verification of the vote.

The roll of the yeas and nays was then called, and the verified vote stood correct as first announced.

Reasons for Votes.

My reasons for supporting Senate joint resolution No. 10: The money to pay interest and sinking fund shall never be derived from an ad valorem tax on real or personal property. It, therefore, would be solely a tax upon a motor fuel tax. If the Governor wants to go to the people and ask their permission to inaugurate a policy of highway building that will remove the pressure that has heretofore been brought upon the people of many counties of this State to issue bonds in order to hold their designated roads, I do not regard it my duty to stand between the Governor and the people and deny his request to submit the proposed change in the Constitution.

The exemption of the homes, land and real property was added by the Hornsby amendment in the Senate. The clause providing that no ad valorem tax proceeds should ever be used to pay interest or sinking funds on bonds issued by virtue of the amendment was placed in the measure at my insistent request,

believing that the people have the right to rule. I feel it my duty to pass for their careful consideration a matter of such great importance, regardless of my personal views on the measure.

LEE.

The authors of that sacred document known as our State Constitution, whose statesmanship has never been questioned, in their wisdom, after due deliberation, saw fit to leave the door closed to the issuance of State bonds.

If the proponents of this bond resolution fully realized the dangerous possibilities that may, and in our opinion will, result from this measure, if it should become a part of our Constitution, we feel sure that most if not all of them would do their utmost to defeat it. Every one knows, who knows anything about road construction, that one hundred million dollars will not be a drop in the bucket compared to the amount required to hard-surface the State highways designated, but proponents of the measure know that if they can once cause a break in the wall that now bars us from issuing bonds against the credit of the State and spend a few millions in one portion of the State, it will be easy then to issue more bonds, for that portion of the State that has not had its roads built, will contend, and justly so, that if the State builds good roads in one portion of the State it should build for all. We know that it takes time to build roads; so, by the time our last roads are built, the first ones will have been worn out, and maintenance on others will be greater each year; therefore, in our opinion, if this system of road financing is once put into operation, it will mean eventually debt, bankruptcy and ruin to our State.

We have no doubt but what thousands—yea, hundreds of thousands—of dollars will be spent by contractors, engineers, bond buyers, machinery and cement and other material manufacturers to subsidize the press of our State in support of this measure. In fact, it appears to us that it has already been done, as propaganda is being spread all over this State by the newspapers in favor of the bond issue, and those against it can not get a word to the public through the big daily papers. We know that the authors of this bond resolution have sugar-coated it with the provision that \$75,000,000 of the \$175,000,000 is to be used to pay off bonds against the counties and road districts in Texas, which we think is wrong, for

we think those who created the debt by their votes should pay the debt and not shift a part of the payment burden onto the people in Texas who have not seen fit to bond themselves for road construction, just because we have the numbers to outvote them.

The Senate has tacked on an amendment to the resolution providing that no tax shall ever be assessed against property in this State for the payment of these bonds, which, in our opinion, is only to catch votes but doesn't mean anything, for, as every one knows who has had any business experience, when any one signs a note, all that he possesses is subject to execution for the payment of that debt except his exemptions, and the State has no exemptions.

One effect of the adoption of the bond amendment would be to relieve from taxation for road purposes all property in the State owned by people living outside of the State. To illustrate: The Adolphus Hotel, Dallas, is owned by the Busch interests in St. Louis. Said hotel is directly benefited by good roads leading to Dallas but would not pay one penny unless its owners bought gasoline in Texas.

Under the present system of financing road building and maintenance, the Highway Department has, including four and one-half million dollars Federal aid, almost thirty million dollars, and, in addition, the department requires the counties and road districts to provide one-third of the cost of construction, which amounts to approximately \$10,000,000, making in all about \$40,000,000, which, in our judgment, is all the money three men can judiciously spend in twelve months' time, so why not continue the present "pay as you go" plan and keep the State out of debt?

Believing that we would do our State an irreparable injury if we should vote for this resolution and it should finally carry, thus opening the way for the issuance of millions and even billions of dollars in bonds and eventual bankruptcy and ruin, we are therefore forced to oppose its submission.

STEPHENS,
FINLAY,
WIGGS,
PAVLICA.

I vote for Senate joint resolution No. 10, relating to bond issue for State highways, for Speaker W. S. Barron and my friends in my district who want Senate joint resolution No. 10 submitted to the people.

RENFRO.

My reasons for voting against Senate joint resolution No. 10:

As I voted with the proponents of this measure up to the time of its engrossment, I feel that I owe my friends an explanation of my change of attitude on this question. More mature reflection and a more intensive study of the measure have convinced me that my original position was wrong and that it is my duty to my constituents and to all the people of Texas to vote against submission. My reasons are as follows:

The great men who formulated our present Constitution evidently foresaw a real danger to our State if its credit should be used for the creation of a bonded indebtedness. An economical administration of our government is impossible if, in addition to our current expenses, we place upon our citizens a burden of bonded indebtedness which will require additional taxation for interest and sinking fund. In fact, if we once abandon the sound principle that our State should never, except in an overpowering emergency, pledge its credit by the issuance of bonds for any purpose, no man can foresee what the final result will be.

The argument that real property would be relieved of the burden now imposed upon it by county bonds and that this burden would be placed on the traffic on our roads by the imposition of a tax on motor fuel, which argument influenced me in my previous votes in favor of this measure, I now regard as unsound. My present conviction is that if these bonds are issued and they find a purchaser, the entire resources of the State will be pledged for their redemption.

I have not enough legal knowledge to predict what opinion the higher courts would hold in respect to those amendments exempting real property from any obligation created by these bonds. But I do know that, once this obligation is assumed, we would be honor-bound to pay this vast indebtedness. Should the sources from which we expect to derive these revenues prove insufficient or, as a result of future inventions in motor power, fail altogether, we could not afford to repudiate this obligation, but might be compelled, in order to satisfy our creditors, to turn to our usual sources of revenue.

Furthermore, it is a well known fact that conservative investors do not regard any form of perishable property or temporary source of revenue as desirable collateral for a long-time loan. And unless they are assured that the

material property of the State is part of the collateral for this enormous bond issue, our securities will never find a purchaser.

In view of these facts, I shall be compelled, by my sense of duty to the people of Texas, to cast my vote against submission.

SHELTON.

I believe a bond issue by the State is a precedent which should not be established; and further, that it is not the most economical way to build highways. But I shall vote to submit the amendment to the people because there is a demand for it from my district.

(MRS. HELEN) MOORE.

I voted for this resolution in order to give the people an opportunity to express their views on the matter, but reserving the right to support or oppose it should it be submitted.

METCALFE.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 578, to the Committee on Conservation and Reclamation.

Senate bill No. 593, to the Committee on Criminal Jurisprudence.

Senate bill No. 96, to the Committee on Game and Fisheries.

Senate bill No. 237, to the Judiciary Committee.

Senate bill No. 382, to the Committee on Appropriations.

Senate bill No. 509, to the Committee on Agriculture.

Senate bill No. 525, to the Committee on Agriculture.

Senate bill No. 537, to the Committee on Criminal Jurisprudence.

Senate bill No. 613, to the Committee on Judicial Districts.

Senate bill No. 596, to the Committee on State Affairs.

RECESS.

Mr. Kemble moved that the House recess to 8:30 o'clock p. m. today.

Mr. Woodall moved that the House recess to 9:30 o'clock a. m. tomorrow.

The motion of Mr. Woodall prevailed, and the House accordingly, at 7:15 o'clock p. m. today, took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.**REPORT OF THE COMMITTEE ON ENGROSSED BILLS.**

Committee Room,
Austin, Texas, March 11, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 314, A bill to be entitled "An Act adding Article 3202a, changing the name of the Deaf and Dumb Asylum to Texas School for the Deaf, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 11, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 755, "An Act making emergency appropriations for rural aid under the provisions of Chapter 36, Acts of the Fortieth Legislature, and emergency appropriations for the maintenance of summer schools at the several institutions of higher learning as named herein for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,
Austin, Texas, March 11, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 509, "An Act authorizing county auditors in counties containing a population of not less than 41,000 and not more than 42,000 inhabitants, as shown by the 1920 Federal census, and in which there may exist or in which there may be created any improvement, navigation, road or irrigation district, or any other territory district, having for its purpose the expenditure of public funds for improvement purposes, or improvements of any kind, whether derived from the issuance of bonds or through any character of special assessment, to

any exercised control over the finances of said district as provided in Chapter 2 of the Revised Civil Statutes of the State of Texas, 1925, adding Articles 1667a and 1672a, Revised Civil Statutes, 1925, so as to provide for compensation of the county auditor for performing such service, giving the county commissioners court of counties having a population of not less than 22,800 and not over 22,900 as shown by the 1920 Federal census, the right to continue the county auditor or employ in its discretion a certified accountant; providing for compensation for monthly reports, repealing all laws in conflict with this act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,
Austin, Texas, March 11, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 7, Proposing an amendment to Section 5, of Article 4, of the Constitution of the State of Texas, fixing the salary of the Governor, providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

FORTY-SECOND DAY.

(Continued.)

(Tuesday, March 12, 1929.)

The House met at 9:30 o'clock a. m. and was called to order by Mr. Minor, Speaker Pro Tem.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 448, "An Act to provide more adequate compensation for county judges in counties which have voted road and bridge bonds amounting to \$6,000,000 or more, and in addition flood protection bonds amounting to \$1,000,000 or more, and providing for the employment of a stenographer for such judges, and declaring an emergency."